

Washington, Thursday, October 5, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration
(Distribution Orders)

[WFO 106, Amdt. 1]

PART 1414-POULTRY

TURKEYS

War Food Order No. 106 (9 F.R. 7808) issued on July 11, 1944, is hereby amended as follows:

- 1. By deleting therefrom the words "in a turkey area" wherever such words appear in § 1414.5 (a) (10) of said order.
- 2. By inserting the following additional provision after § 1414.5 (a) (15) (xii):

(xiii) With respect to turkeys processed in a State or area not hereinabove included with respect to a designated U. S. Army Quartermaster Market Center, the aforesaid term means the Officer in Charge, Field Headquarters, Perishable Branch, Subsistence Division, Office of the Quartermaster General, Attention: Poultry Section, 222 West Adams Street, Chicago 6, Illinois.

- 3. By deleting therefrom the provisions in § 1414.5 (b) of said order and inserting, in lieu thereof, the following:
- (b) Any person who desires to process turkeys and to serve as an authorized processor may file with the Deputy Order Administrator, 5 South Wabash Avenue, Chicago, Illinois, an application by letter or by telegram followed by letter of confirmation. The application submitted to the Deputy Order Administrator shall contain (1) a statement with respect to the location of each plant where he is to process turkeys pursuant to the provisions hereof, and (2) a representation that 100 percent of the processed turkeys will be handled only in accordance with the provisions of this order. Thereupon the Deputy Order Administrator shall consider such application and may issue a letter of authorization to process turkeys if he determines that such authorization is appropriate to effectuate the provisions hereof. If the Deputy Order Administra-

tor declines to approve the application, the application shall be forwarded to the Director. The Director may issue a letter of authorization to the applicant if he determines that the issuance of such authorization is necessary or appropriate in the public interest and to promote the national defense. No person shall serve as, or represent himself to be, an authorized processor unless he has received from the Deputy Order Administrator or the Director a letter of authorization, as aforesaid; and an authorized processor shall not process turkeys except as specified in the letter of authorization issued by the Deputy Order Administrator or the Director.

- 4. By deleting therefrom the provisions of § 1414.5 (c) (2) and inserting, in lieu thereof, the following:
- (2) No person other than an authorized processor shall process turkeys.
- 5. By deleting therefrom the provisions in § 1414.5 (c) (3) and inserting, in lieu thereof, the following:
- (3) No person shall ship turkeys grown or located in a turkey area to any point outside of such area, except to an authorized processor; and no person shall accept delivery of turkeys grown or located in a turkey area different from the one in which such delivery of turkeys is effectuated, except an authorized processor may accept delivery of turkeys without regard to where said turkeys were grown or located.
- 6. By inserting after § 1414.5 (c) (10) the following additional provision:
- (11) In the event of the suspension or termination of the provisions in (c) (1) to (c) (10) hereof, all processed turkeys set aside pursuant to said provisions at the time of the suspension or termination thereof shall continue to be held as set-aside processed turkeys, and may be sold or disposed of only to the U. S. Army Quartermaster Market Center: Provided, That a lot of processed turkeys, set aside as aforesaid, may, upon the rejection by the U. S. Army Quartermaster Market Center with respect to such processed turkeys, be sold or disposed of to civilian outlets.

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NOTICE.

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

Book 1: Titles 1-3 (Presidential doc uments) with tables and index. Book 2: Titles 4-9, with index. Book 3: Titles 10-17, with index. Book 4: Titles 18-25, with index. Book 5, Part 1: Title 26, Parts 2-178. Book 5, Part 2: Title 26, completed; Title 27; with index.

Book 6: Titles 28-32, with index.

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This order shall become effective at 12:01 a. m., e. w. t., October 4, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 106 prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 106 in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 2d day of October 1944.

ASHLEY SELLERS, Assistant War Food Administrator.

[F. R. Doc. 44-15318; Filed, Oct. 3, 1944; 1:30 p. m.]

[WFO 106-1]

PART 1414—POULTRY

TURKEYS

Pursuant to the authority vested in the Director of Distribution by War Food Order No. 106 (9 F.R. 7808) issued on July 11, 1944, relative to turkeys, and in order to effectuate the purposes of said order, it is hereby ordered as follows:

§ 1414.6 Reporting requirements—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, each term defined in War Food Order No. 106 shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 106.

(b) Reports. (1) Each person owning processed turkeys produced in an area designated in War Food Order No. 106 and which are hereafter placed in cold storage shall report to the U.S. Army Quartermaster Market Center within ten days after placing said processed turkeys in cold storage (1) the name and address of the cold storage plant in which such processed turkeys are stored; (ii) the lot and sub-lot number under which the processed turkeys are stored; and (iii) the total number of pounds of processed turkeys in each lot and sub-lot.

(2) Any person who owns processed turkeys produced in an area designated in War Food Order No. 106 and placed in storage between the effective date of such order and the effective date hereof but not offered to the U.S. Army Quartermaster Market Center shall report to said U.S. Army Quartermaster Market Center, within 10 days after the effective date hereof, all such processed turkeys in cold storage, showing (i) the name and address of the cold storage plant in which such processed turkeys are stored; (11) the lot and sub-lot number under which the processed turkeys are stored; and (iii) the total number of pounds of processed turkeys in each lot and sub-lot.

(3) Notwithstanding the provisions in paragraphs (1) and (2) hereof, no person shall be required to report as aforesaid until the volume of processed turkeys held in cold storage, in all locations, by such person shall exceed 5,000 pounds.

(4) Notwithstanding the provisions of paragraphs (1) and (2) hereof, no person shall be required to report as aforesaid if he has offered the processed turkeys placed in cold storage to the U.S. Army Quartermaster Market, Center within the 10 days after such turkeys were placed in cold storage.

(c) Effective date. This order shall become effective at 12:01 a.m. e. w. t., October 4, 1944.

Note: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 106, 9 F.R. 7808)

Issued this 2d day of October 1944.

LEE MARSHALL, Director of Distribution.

[F. R. Doc. 44-15319; Filed, Oct. 3, 1944; 1:30 p. m.]

[WFO 103, Termination]
PART 1468—GRAIN
CORN SET ASIDE

War Food Order No. 103 (9 F.R. 7039), § 1468.10, is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. w. t., October 2, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 103, prior to the effective time hereof, all provisions of such order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper sult, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 2d day of October 1944.

Ashley Sellers, Assistant War Food Administrator.

[F. R. Doc. 44-15327; Filed, Oct. 3, 1944; 3:13 p. m.]

TITLE 14-CIVIL AVIATION

Chapter I—Civil Aeronautics Board [Regs., Serial 322]

PART 238—CERTIFICATES OF PUBLIC CON-VENIENCE AND NECESSITY

TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCES AND NECESSITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of September 1944.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections

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205 (a) and 401 (f) thereof, and deeming its action necessary to carry out the provisions of said act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective November 1, 1944, § 238.3 of the Economic Regulations is hereby amended by adding the following paragraph (d) as follows:

§ 238.3 Terms, conditions and limitations of certificates of public convenience and necessity issued under section 401 of the act

(d) A scheduled stop at a point within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(Sec. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a); sec. 401 (f), 52 Stat. 938, 49 U.S.C. 481 (f))

By the Civil Aeronautics Board.

[SEAL]

Fred A. Toomes, Secretary.

[F. R. Doc. 44-15342; Filed, Oct. 4, 1944; 10:34 a.m.]

[Regs., Serial 323]

ROUTE COMPETENCY RENEWAL SPECIAL CIVIL AIR REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of September 1944.

The following Special Civil Air Regulation is made and promulgated to become

effective September 29, 1944:

Notwithstanding the provisions of §§ 61.5140 (a), 61.5141 (b), 61.5150 (a), and 61.5151 (b), any first pilot who on or subsequent to December 7, 1941, was qualified as such and as competent over a regular or alternate route and who has been employed by a scheduled air carrier as first pilot in military air transport operations will be considered competent over such route after completing over the route either (a) one one-way trip as first pilot accompanied by a check pilot or (b) two one-way trips as second pilot.

This regulation shall be effective for the duration of the war and not to exceed three months thereafter.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL]

Fred A. Tooms, Secretary.

[F. R. Doc. 44-16343; Filed, Oct. 4, 1944; 10:34 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket No. 5141]

PART 3-DIGEST OF CEASE AND DESIST ORDERS

BLAND PRODUCTS CO.

§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.71 (e) Neglect-

ing, unfairly or deceptively, to make material disclosure—Safety. In connection with offer, etc., of respondent's "Flo Triple XXX Compound" and "An-Tex Inserts" medicinal preparations or any other similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (1) that respondent's preparation Flo Triple XXX Compound constitutes a competent or effective treatment for delayed menstruation, or that the use of said preparation can be depended upon to terminate pregnancy; or (2) that the preparation An-Tex Inserts is effective in the prevention of infection or conditions or diseases resulting therefrom, or that its use is an effective means of preventing conception; or which advertisements (3) fail to reveal that said Triple XXX Compound preparation should not be used in the presence of nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, as respects said disclosure, that such advertisements need contain only the statement, "Caution: Use only as directed," if and when the directions for use, wherever they appear, on the label, or both on the label and in the labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Bland Products Company, Docket 5141, September 7,

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1944.

In the Matter of Carlton Routzahn Doing Business as Bland Products Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits that prior to January 29, 1944, he engaged in all the acts and practices set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Carlton Routzahn, trading as Bland Products Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his medicinal preparations designated as "Flo Triple XXX Compound" and "An-Tex Inserts", or any other preparations of substantially similar composition or possessing substantially similar properties, under whatever names sold, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disceminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is

defined in the Federal Trade Commission Act, which advertisement represents, di-

rectly or by implication-

(a) That respondent's preparation Flo Triple XXX Compound constitutes a competent or effective treatment for delayed menstruation, or that the use of said preparation can be depended upon to terminate pregnancy;

(b) That the preparation An-Tex Inserts is effective in the prevention of infection or conditions or diseases resulting therefrom, or that its use is an effective means of preventing conception.

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that said Triple XXX Compound preparation should not be used in the presence of nausea, vomiting, abdominal pains, or other symptoms of appendicitis; Provided, however, That such advertisement need contain only the statement, "Caution: Use only as directed," if and when the directions for use, wherever they appear, on the label, or both on the label and in the labeling, contain a warning to the above effect.

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof or which fails to comply with the affirmative requirements set forth in par-

agraph 2 hereof.

It, is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-15341; Filed, Oct. 4, 1944; 10:26 a. m.]

[Docket 5091]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

WAKITA HERB CO.

§ 3.6 (c) Advertising falsely or misleadingly—Composition of goods: § 3.6 (j 10) Advertising falsely or misleadingly—History of product or offering: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.6 (y 10) Advertising falsely or misleadingly—Scientific or other relevant facts: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety: § 3.96 (a) Using misleading name—Goods—Composition: § 3.96 (a) Using misleading name—Goods—History. In connection

with offer, etc., of respondent's Indian Herbal Roots, or any other similar medicinal preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation which advertisements represent directly or by implication that said preparation, (1) is a competent and effective treatment for nervousness, insomnia, dizziness or a sick, burning stomach; (2) has any therapeutic value in the treatment of poor appetite, back pains, headaches or a gassy stomach in excess of providing temporary relief therefor when such symptoms and conditions are due to constipation; (3) will restore pep, energy or vitality; (4) will rid or purge the body of accumulated poisons; or (5) is not habit forming; or which advertisements (6) represent as aforesaid that nervousness, insomnia, dizziness, a gassy, sick, burning stomach, poor appetite, back pains and headaches are usually and ordinarily caused by constipation; or which advertisements (7) use the word "Indian" or "Roots" as a part of the trade name of said preparation or otherwise represent that said preparation is compounded from roots or that the ingredients thereof were used by the American Indians; or which advertisements (8) fail to reveal that said preparation should not be used in the presence of nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to provision, how-ever, as respects said disclosure that such advertisements need contain only the statement, "Caution: Use only as directed", if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) · [Cease and desist order, Wakita Herb Company, Docket 5091, September 7, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1944.

In the Matter of Gladys Goldberg, an Individual Trading as Wakita Herb Company

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that she waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Gladys Goldberg, an individual trading as Wakita Herb Company, or trading under any other name, and her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale

or distribution of respondent's medicinal preparation now designated as Indian Herbal Roots, or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by im-

plication:

(a) That said preparation is a competent and effective treatment for nervousness, insomnia, dizziness or a sick, burning stomach;

(b) That said preparation has any therapeutic value in the treatment of poor appetite, back pains, headaches or a gassy stomach in excess of providing temporary relief therefor when such symptoms and conditions are due to constipation:

(c) That said preparation will restore

pep, energy or vitality;

(d) That said preparation will rid or purge the body of accumulated poisons;
 (e) That said preparation is not habit

forming;
(f) That nervousness, insomnia, dizziness, a gassy, sick, burning stomach, poor appetite, back pains and headaches are

usually and ordinarily caused by constipation:

or which advertisement:

(g) Uses the word "Indian" or "Roots" as a part of the trade name of said preparation or otherwise represents that said preparation is compounded from roots or that the ingredients thereof were used by the American Indians.

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that said preparation should not be used in the presence of nausea, vomiting, abdominal pains, or other symptoms of appendicitis: Provided, however, That such advertisement need contain only the statement, "Caution: Use only as directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect.

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hefeof, or which fails to comply with the affirmative requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and

form in which she has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-15336; Filed, Oct. 4, 1944; 10:25 a. m.]

TITLE 29-LABOR

Chapter IX-War Food Administration (Agricultural Labor)

PART 1100—REGULATIONS RELATIVE TO SAL-ARIES AND WAGES OF AGRICULTURAL LABOR

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F.R. 11960, 12139, 16702, 9 F.R. 6035), by virtue of authority vested in the President by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong., 2d Sess.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States and for other purposes," (Pub. Law 34, 78th Cong., 1st Sess.), and as amended by the Stabilization Extension Act of 1944, entitled "An Act to Amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of October 2, 1942, as amended, and for other purposes" (Pub. Law 383, 78th Cong., 2d Sess.), and vested in turn by the President in the Economic Stabilization Director, under Executive Order 9328, dated April 8, 1943 (8 F.R. 4681). These regulations conferred on the War Food Administrator authority to administer the provisions thereof relating to the stabilization and limitation of salaries and wages paid to agricultural labor. In the exercise of authority so conferred on the War Food Administrator, the following regulations relating to salaries and wages of agricultural labor issued on January 17, 1944 (9 F.R. 655), and amended on Sune 1, 1944 (9 F.R. 6011), July 1, 1944 (9 F.R. 7378), and August 8, 1944 (9 F.R. 9641), are hereby amended and revised to read as follows:

Definitions. 1100.1 1100.2 Delegations. 1100.3 Jurisdiction. 1100.4 Wage Boards. 1100.5 Interpretation of the term "agri-cultural labor." Applicable to employers of a single 1100.6 emplovee. Specific wage ceiling regulations. 1100.7 1100.8 Procedure for recommending establishment of wage ceilings. 1100.9 Salary or wage increases requiring approval. How approval obtained. 1100.10 Limitation on effect of increases. 1100.11 1100.12 Salary or wage decreases. 1100.13 Evasions. 1100.14 Conclusiveness of determination. 1100.15 Effect of unlawful payments. 1100.16 Determination of violations. 1100.17 Inspection of records. 1100.18 Scope of regulations.

Sec.

AUTHORITY: §§ 1100.1 to 1100.18, inclusive, issued under 56 Stat. 765, 50 U.S.C. Supp.

11, 961 et ceq., cs amended by Pub. Law 34, 78th Cong., and by Pub. Law 323, 78th Cong.; E.O. 9328, 8 F.R. 9631; Rege. of Economic Stabilization Director, dated August 28, 1943, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035.

§ 1100.1 Definitions. When used in these regulations, unless otherwise distinctly expressed, or manifestly incompatible with the intent thereof:

(a) The term "act" means the Act of October 2, 1942 (Pub. No. 729, 77th Cong.), entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", as amended by the Public Debt Act of 1943 (Pub. No. 34, 78th Cong.), entitled "An Act to increase the debt limit of the United States and for other purposes," (Pub. No. 34, 78th Cong., 1st Sess.), and as amended by the Stabilization Extension Act of 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of October 2, 1942, as amended, and for other purposes" (Pub. No. 383, 78th Cong., 2nd Sess.).

(b) The term "general regulations" means amended regulations (relating to wages and salaries), promulgated by the Economic Stabilization Director on August 28, 1943 (8 FR. 11960, 12139, 16702, 9 F.R. 6035), as amended or supplemented.

(c) The term "Administrator" means the War Food Administrator, and any person, or agency, authorized by him to carry out the purposes and provisions of these regulations and other regulations issued by him pursuant to his authority under the "general regulations."

(d) The term "Director" means the

(d) The term "Director" means the Director of the Office of Labor, War Food Administration.

(e) The term "person" means any individual, partnership, corporation, association, business trust, or any other organization or group of persons, whether incorporated or not.

(f) The term "in contravention of the Act" means in Contravention of the Act of October 2, 1942 (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (7 F. R. 7871), Executive Order No. 9328 of April 8, 1943 (8 F.R. 4681), the general regulations, these regulations, and any other orders, rulings, and regulations promulgated under said act.

(g) The term "agricultural labor" means persons who are employed in farming in any of its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees, or poultry; Provided, however, That the term "agricultural labor" shall not include any person whose salary payments exclusive of bonuses and additional compensation, and without regard to the contemplated adjustment, are at a rate computed on an annual basis which exceeds \$5,000.00 per annum.

(h) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece work basis, or other comparable basis, for

parsonal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount.

(1) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is paid on a weekly, monthly, annual, or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(j) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is paid, either under the terms of a contract or agreement, or in conformity with an established custom or usage. (As issued Jan. 17, 1944.)

(h) The terms "approval of the Administrator" and "determination by the Administrator" shall include approval or determination by an agent or agents of the Administrator, duly authorized to perform such acts.

(1) The term "producer" means the person who is in charge of the farming operations on a farm.

§ 1100.2 Delegation. The administration of the program for stabilization of salaries and wages of agricultural labor established by the general regulations, these regulations, and other regulations promulgated by the Administrator, and the powers conferred upon the Administrator, with respect to such program, are hereby delegated to the Director of Labor, War Food Administration, who is hereby authorized to redelegate any such powers to employees of the War Food Administration. The Director shall be assisted in the administration of the program for the stabilization of salaries and wages of agricultural labor by such employees of the War Food Administration as he may designate, and such designated employees are hereby authorized to assist in the administration of such program.

§ 1100.3 Jurisdiction. Under the general regulations, the Administrator has the authority to determine whether salary or wage payments to agricultural labor are made in contravention of the Act. Such authority does not include determinations with respect to salaries over \$5,000.00 per annum. Thus, where salary payments are at a rate computed on an annual basis of more than \$5,000.00 per annum, jurisdiction over such salaries is with the Commissioner of Internal Revenue. However, increases in bonuses or other forms of additional compensation, where the salary payments are at a rate computed on an annual basis of \$5,000 or less, and increases in such salary payments which have the effect of raising them from below \$5,000 per annum to more than \$5,000 per annum, are within the jurisdiction of the Administrator.

Nothing contained in these regulations shall be construed to affect any jurisdiction which the National War Labor Board may have by virtue of the War Labor Disputes Act (Pub. No. 89, 78th Cong.) and Executive Order No. 9017 (7 F.R. 237) as extended by section 1, Title III of E3ecutive Order No. 9250 (7 F.R. 7871, 7873). However, no person, including any Federal, State, or other governmental agency, or any officer thereof, shall have authority to overrule, amend, change, or modify, directly or indirectly, any specific wage ceiling regulation issued by the Administrator pursuant to § 4001.7 of the general regulations and as described in § 1100.7 hereof.

§ 1100.4 Wage boards. From time to time the Director may establish wage boards for the various States. Such boards shall be known as State WFA Wage Boards. Such boards as have heretofore been established shall continue to function under these regulations and the specific wage ceiling regulations described in § 1100.7 hereof. The personnel of such boards shall be appointed by the Director, and shall be persons whom the Director determines to be qualified to perform the functions of the board. The Director, in his discretion, is authorized to appoint alternates, to fill vacancies, and to remove and replace members of such boards. Such boards are hereby authorized to hold public hearings in order to recommend to the Administrator areas, crops, classes of employers, or otherwise, for which wage rates should be established as authorized in § 4001.7 of the general regulations. Such boards shall have the authority to hold hearings in order to determine whether there have been violations of these regulations or of specific wage ceiling regulations issued by the Administrator. Such boards may, in the discretion of the Director, be given authority to pass upon applications for increases or decreases in wages or salaries of agricultural labor in their States in accordance with the provisions of these regulations. Such boards may exercise such further functions as the Administrator or the Director may prescribe. Alternate members of a wage board may, when acting, perform all the functions of the regular members of the

§ 1100.5 Interpretation of the term "agricultural labor". The meaning of the term "agricultural labor" as used in the general regulations and these regulations is not free from difficulty in its application to specific cases. While the definition in the general regulations and these regulations will enable those affected to determine their status in the vast majority of cases, there are always border line cases which may leave affected persons in doubt. The War Food Administrator is authorized by § 4001.1 (1) of the general regulations to issue such interpretations of the definition of "agricultural labor" as he finds necessary. It is the purpose of this interpretation to clarify such border line cases insofar as experience to date will permit. The situations covered below will constitute or will not constitute agricul-

tural labor as the case may be, for the purpose of these regulations. However, the Administrator may supplement this interpretation from time to time, as more specific cases are brought to his attention, and reserves the right to determine in specific cases whether employees are employed in agricultural labor.

Employees engaged in the following described operations are agricultural labor for the purpose of the general regulations and these regulations, unless otherwise herein specifically stated to

the contrary:

(a) Cultivation and tillage of the soil. Preparation of a suitable seedbed; elimination of competing weed growth, and improvement of physical condition of the soil. Includes services performed in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farm purposes.

(b) Dairying. Milking of cows or goats, putting the milk into tins, cooling it, and storing it on the farm. If the milk is obtained from the employer's cows or goats, his employees engaged in operations such as separating the cream from the milk, bottling such cream or milk or making butter and cheese out of such milk and cream, are agricultural labor.

(c) Production, cultivation, growing, harvesting of agricultural or horticultural commodities. Includes all customary operations in connection with the raising of any agricultural or horticultural commodity, and all operations customarily performed in connection with the removal of such commodities from the place where they are grown. See also paragraph (g) (1) hereof.

Agricultural or horticultural com-

modities include grains, forage crops, fruits, vegetables, nuts, sugar crops, fiber crops, tobacco, nursery products, and

Employees engaged in growing or harvesting agricultural commodities are agricultural labor, even though the commodities are raised in a greenhouse, nursery, enclosed shed, or hotbed.

(d) Raising of livestock. Includes the breeding, feeding, and general care of the following animals among others: cattle, sheep, swine, horses, mules, jackasses, or goats. It does not include any labor employed at stockyards.

(e) Raising of bees. Includes all activities customarily performed in connection with the handling and keeping of bees, including treatment of disease,

and the raising of queens.

(f) Raising of poultry. Includes the breeding, hatching, feeding and general care of poultry, whether such activities are performed on a farm, in hatcheries or elsewhere. The word "poultry" includes domestic fowl and The word game birds.

The raising of fur-bearing animals is not included in the definition of agricultural labor, and employees engaged in raising such animals are not agricultural labor, as that term is used in the general regulations and these regulations.

(g) Miscellaneous situations. (1) Employees engaged in packing, or other

preparation of agricultural commodities for market, delivery of such commodities to storage or market, or to a carrier for transportation to market, generally are not agricultural labor. However, if an employee is engaged primarily in an occupation that is classified in these regulations as agricultural labor, and incidentally aids in packing, or otherwise preparing agricultural commodities for market, delivery of such commodities to storage or market or to a carrier for transportation to market, and such commodities are produced by the employer who has employed him for his primary occupation, such an employee shall be considered agricultural labor: Provided, however, That such an employee shall not be considered to be employed in agricultural labor to the extent that he works in a packing shed or other establishment preparing agricultural com-modities for market which employs more than eight employees in packing or other preparation of agricultural commodities for market, even though such employees are working on a commodity produced exclusively on the farm and even though the shed is located at the situs of the farming operations.

(2) Employees who are agricultural labor as defined herein will continue to remain in that status, even though they are employed in forestry and lumber operations, so long as the operations constitute a subordinate and established part of the employer's farm activities. Employees engaged totally or a majority of their time in such operations are not agricultural labor, even though their employer also conducts farm operations which are classified herein as agricultural. If the employer is engaged in lumbering operations on logs or timber grown on other farms as well as his own. his employees engaged in such operations are not agricultural labor. Logging or sawmill operations performed by employees of persons other than the operator of the farm are not agricultural

(3) Clerical help, mechanics, maintenance workers, and night watchmen are agricultural labor when they are directly employed to aid in farming operations. (This does not include independent contractors, or their employees, who are engaged in performing any of the above types of work.) Such persons are not to be considered agricultural labor when they work at an establishment which is not located at the site of the farming operations.

(4) Farm managers or farm superintendents who spend a majority of their time engaged in or directly supervising agricultural activities as described in paragraphs (a), (b), (c), (d), (e), and (f) herein are agricultural labor. However, such persons are not agricultural labor if they are employed by independent contractors.

§ 1100.6 Applicable to employers of a single employee. Section 4001.16 of the general regulations is not applicable to agricultural labor and employers of agricultural labor are subject to the provisions of the Act, the general regulations, these regulations, or other orders, rulings,

and regulations promulgated under the Act, irrespective of the number of employees which they employ.

§ 1100.7 Specific Wage ceiling regulations. In accordance with the provisions of § 4001.7 of the general regulations, increases may be made in salary and wage payments to agricultural labor, so long as such payments are not more than \$2,400.00 per annum, without the prior approval of the Administrator. However, the Administrator has authority under the provisions of that section to determine that, with respect to areas, crops, classes of employers, or otherwise, such increases or payments may no longer be made without the approval of the Administrator. The Administrator has already exercised his authority under that section with respect to the wages and salaries of certain employees engaged in working upon particular crops in designated areas, by the issuance of specific wage ceiling regulations adapted to the particular crop and area. From time to time the Administrator may issue other specific wage ceiling regulations relating to particular areas, crops, classes of employers, or otherwise. Nothing in these regulations is to be taken as superissued, and nothing in any specific wage ceiling regulations as have already been issued, and nothing in any specific wage ceiling regulation issued hereafter shall be taken to supersede or amend these regulations unless so specifically stated in the specific wage ceiling regulation.

§ 1100.8 Procedure for recommending establishment of wage ceilings. When-ever it is requested in writing, by petition or otherwise, by a majority of the producers of any commodity in a particular area which would be affected by a specific wage ceiling regulation relative to that particular commodity and area, the wage board having jurisdiction over that area shall hold a public hearing for the purpose of aiding the administrator in establishing a specific wage ceiling regulation, as described in section 1100.7 hereof: Provided, however, That a wage board may, without receiving such a prior request from such producers, hold a hearing for the purpose of establishing such a specific wage ceiling regulation, if, after such a hearing and before the wage board recommends a particular specific wage ceiling regulation to the Administrator, a majority of such producers request in writing a specific wage ceiling regulation for such commodity in such area.

For the purpose of such a hearing a member of the staff of the Office of Labor, sitting as a non-voting member of the board, may be appointed. The board shall give public notice of such hearing at least three days prior to the hearing. Such notice shall contain the time and place of the hearing, the crop or crops to be affected, the area and type of work involved. Such public notice shall be given by posting in prominent places in the area to be affected, and by paid advertisements or news stories in local newspapers of general circulation. The hearing shall be conducted by two or more members of the board as the

board shall direct. The hearing shall be informal. Testimony shall be taken concerning the type of work to be controlled, the exact areas to be subject to control, the crop or crops to be affected, the wage rates paid, and all related matters relative to the establishment of a wage ceiling. All interested persons may appear and testify. A transcript of the record shall be kept. The presiding officer shall open the hearing with a statement of its purpose and the rules which will govern. As soon as possible after the hearing is concluded, the board shall prepare its recommendations (which must be approved by at least a majority of the board) as to the types of employment, wage rates to be paid, crop or crops to be affected, the extent of the area to be subject to control, and other related matters, and forward to the Administrator the report together with the transcript of the hearing and a record showing approval by a majority of the producers. Neither the testimony received nor the recommendations of the board are binding upon the Administrator in establishing a specific wage ceiling regulation. Any interested person may file a petition for reconsideration of a specific wage ceiling regulation with the wage board administering the regulation or with the Administrator. If such petition is filed with a wage board, such board shall forward the petition together with its recommendations to the Administrator.

§ 1100.9 Salary or wage increases requiring approval. Section 4001.7 of the general regulations provides that salaries or wages of agricultural labor may be increased up to \$2,400.00 without approval, unless the Administrator has issued a specific wage ceiling regulation as described in § 1100.7 hereof. That section of the general regulations provides that the phrase "\$2,400.00 per annum" shall mean \$200.00 a month or the equivalent weekly, hourly, piece work rate or comparable basis.

However, no increase in salary or wage payments may be made to employees engaged in agricultural labor who, on Dacember 9, 1943, received such payments at the rate of \$2,400.00 per annum or more, or when the effect of the increase will be to increase salary or wage payments to a rate in excess of \$2,400.00 per annum, without the prior approval of the Administrator. It makes no difference whether the salary or wage increaso is accomplished by salary or wage increases per se, or by means of bonuses or other forms of additional compensation. All such payments which will have the effect of raising the earnings of an employee who earns \$2,400.00 per annum or more, or of raising the earnings of the employee to more than \$2,400.00 per annum, must be approved to be lawful.

Any increase in the rate of overtime or any payment of overtime where it was not the practice of the employer to pay overtime prior to December 9, 1943, may not be made without prior approval of the Administrator. Lawful overtime payments need not be included in determining whether an employee receives "\$2,-

400.00 per annum", but all other additional forms of compensation such as bonuses, perquisites and the like, must be included.

Payments by the same employer of the same salary rates or wage rates for the same type of work for the similar period. or season made lawfully between December 9, 1942 and December 9, 1943, may be made without approval of the Administrator. Increases in salary or wage rates to more than the rate of \$2,400.00 or increases in such rates which are a rate of \$2,400.00 or more per annum must be approved to be lawful: Provided, however, That nothing in these regulations is to be construed to prevent an increase, without prior approval, in the hours of employment or amount or volume of work performed on a piece rate

Payment of total compensation, including bonuses, perquisites, and other additional forms of compensation in the same amount or at the same rates as those made lawfully between December 9, 1942 and December 9, 1943, may be made without approval even though that compensation is more than \$2,400.00 per annum. Bonus payments lawfully in existence before December 9, 1943, based on a percentage of business or profits or other factor, may be paid without approval regardless of the dollar amount of the bonus, as long as the basic salary or wage rate and the method of computing the bonus are not changed, even though the total compensation is more than \$2,400.00 per annum. A change from a salary to a commission basis of pay, however, or from a salary and bonus to a straight salary basis, requires prior approval.

An employer who has established a new job classification or who has begun business after December 9, 1943, must obtain approval of the Administrator for the payment of wages or salaries in excess of \$2,400.00 per annum for such job classification, or in such new business: Provided, however, In the case of new employees, that if the wage or salary rates in question are not in excess of the maxima of those prevailing for similar job classifications within his own organization, or if no such rates are available, then within the local area in the year preceding December 9, 1943, the approval of the Administrator is not required. An increase in the wage or salary rate for job classifications established after December 9, 1943, where the rate of payment is \$2,400 or more per annum or where the proposed increase will make the rate of payment more than \$2,400 per annum, must have prior approval. No approval is necessary to employ additional persons at the same rate as that paid other employees doing the same type of work. Approval is not required to fill a vacancy in a position as long as no greater payments are made to the new employee hired to fill the vacancy than were paid to the employee who last previously occupied the position except that this does not permit any payment to any employee greater than that established by a specific wage ceiling regulation.

Adjustments in instances of promotions, reclassifications, merit increases and the like, may be made only with the approval of the Administrator, when such adjustments are with reference to wages or salaries which are at the rate of \$2,400.00 or more per annum, or if the proposed adjustment will increase the rate to more than \$2,400.00: Provided, however, That reasonable adjustments for the following purposes may be made without approval of the Administrator if made pursuant to a salary or wage plan or schedule submitted to and approved by the Administrator:

(a) Individual promotions or reclassifications.

(b) Individual merit increases within established wage or salary rate ranges.

(c) Operation of an established plan of wage or salary increases based on length of service.

(d) Increased productivity under incentive plans.

(e) Operation of a trainee system.

(f) Such other reasons or circumstances as may be prescribed in rules or regulations of the Administrator from time to time.

Promotions and reclassifications for the purposes of the preceding paragraph comprehend only cases involving materially increased responsibilities or a substantial change in the nature of the work performed. Merit increases within a given salary range and increases based upon length of service shall not exceed in frequency or in maximum amount the frequency or maximum amount given in such positions in that salary or wage range during a normal period, and there shall be no substantial increase in the average salary rate in any given job classification range. Changes in salary rates in a single job classification may not be increased without approval, even though the salary or wage schedule has been approved by the Administrator.

When a specific wage ceiling regulation relating to an area, crop, class of employer, or otherwise, is issued, as described in § 1100.7 hereof, no payments above the rates described in such specific regulation may be made without the prior approval of the Administrator: Provided, That, if an employer was paying a particular employee doing the same type of work at a higher wage or salary rate between January 1, 1942 and September 15, 1942 such employer may pay such employee at the wage or salary rate paid during that period. If approval of a wage or salary increase has been granted prior to the issuance of a specific wage ceiling regulation relating to such an employee or group of employees the specific wage ceiling regulation shall control. Payments may be made by those affected, up to and including the rates prescribed by such specific wage ceiling regulations, without the approval of the Administrator. Except in those instances where a lower rate has been established by a specific wage ceiling regulation, no approval is required to increase salary or wage payments to agricultural labor up to \$2,400.00 per annum (\$200.00 per month).

The existence of prior contracts for salary or wage payments or increases will not justify payments or increases without the prior approval of the Administrator where such approval is required by these regulations or by any specific wage ceiling regulation.

Any increases in wage or salary payments where approval is required will be in contravention of the Act, if made without approval. Any increase will be lawful only from the date specified in the approval, if prior approval is required.

§ 1100.10 How approval obtained. Approval for an increase in salary or wage payments when the employee, prior to the proposed increase, is receiving such payments in the amount of \$2,400.00 per annum or more, or when the effect of the proposed increase will be to increase such payments to more than \$2,400.00 per annum, may be sought by sending an application for the approval of such increase to the Director, Office of Labor, War Food Administration, Washington 25, D. C., or to the State WFA Wage Board in those States in which the authority to approve adjustments pursuant to these regulations has been delegated. The burden of justifying an increase in salary or wage payments shall in every instance be upon the employer seeking to make such increase. Increases in such salary or wage payments will not be approved except in the following cases:

(a) Such adjustments as may be deemed proper and have not heretofore been made to compensate in accordance with the "Little Steel" formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941 and May 1, 1942.

(b) Salary and wage adjustment clearly necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for the same work in the same or most nearly comparable areas in the same labor market, except in rare and unusual cases in which the critical needs of agricultural war production require the setting of a salary or wage at some point above the minimum of the going salary or wage bracket.

(c) Reasonable adjustments may be made in case of promotions, reclassifications, merit increases, and incentive payments: *Provided*, That such adjustments do not increase the level of production costs appreciably or furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(d) Wage or salary adjustments may be made to correct inequalities between immediately inter-related job classifications where such inequalities have arisen because of elimination of substandards of living or because of the applicability of the "Little Steel" formula, but only to the extent required to keep the minimum differentials necessary to maintain productive efficiency. Such adjustments are to be tapered off rigorously when applied to higher job classifications.

§ 1100.11 Limitation on effect of increases. No increase in salary or wage payments which requires the approval of the Administrator shall furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices, or furnish the basis for further wage or salary increases.

§ 1100.12 Salary or wage decreases. In the case of salary or wage payments existing on December 9, 1943, by means of which an employee is paid \$5,000.00 or less per annum for any particular work. the general rule is that no decrease can be made by an employer in such salary or wage rate paid for such work between January 1, 1942 and September 15, 1942. A decrease may be permitted, however, with the approval of the Administrator, in order to correct a gross inequity in any case or to aid in the effective prosecution of the war. Where such decrease is permitted, the salary or wage rate may be reduced below the highest salary or wage rate paid for the work in question between January 1, 1942 and September 15, 1942. Except as otherwise provided in this section, any decrease in such salary or wage rate shall be considered in contravention of the Act if it is made prior to the approval thereof by the Administrator. Except as may be otherwise provided from time to time by the Administrator, an application for approval of any salary or wage decrease shall be filed in the same manner as in the case of an application for approval of a salary or wage increase. See § 1100.10.

The Administrator's approval is not required, for example, in the following cases where salary or wage decreases are made:

are made:

(a) The new salary or wage rate does not fall below the highest salary or wage rate existing between January 1, 1942 and September 15, 1942 for the particular work in question.

(b) An employee has been demoted to a lower position than that filled by him between January 1, 1942 and September 15, 1942 and the salary or wage rate for such lower position is not less than the highest salary or wage rate existing for that position during the same period.

(o) An employee has been relieved of such specific duties and responsibilities as will justify the decrease.

as will justify the decrease.

The words "for any particular work" in this § 1100.12 refer to the particular work of the particular employee and not to a particular type of work.

If a specific wage ceiling regulation as described in § 1100.7 hereof has been issued which establishes a lower salary or wage rate than that which an affected employee is receiving, by contract or otherwise, the salary or wage payments of the employee must be decreased to the salary or wage rate established by the specific wage ceiling regulation, unless an employer was paying a particular employee doing the same type of work higher wages or salary payments between January 1, 1942 and September 15, 1942, in which event the employee's payments must be decreased to those received during that period. No approval is required for such decreases.

§ 1100.13 Evasions. The salary or wage limitations set forth in these regu-

lations shall not be evaded either by direct or indirect methods in connection with any contract of hire, offer, solicitation, or agreement for the payment of any agricultural labor coming within the provisions of these regulations, or by the payment, gift, or other compensation to any agricultural labor covered by these regulations, such compensation including, but not limited to, bonuses, gifts, perquisites, transportation, salary, allowance of payment for not working, or payment for more volume or hours than those actually worked. Nor shall any person either singly or in cojunction with others pay any agricultural labor any additional compensation of any kind whatsoever for performing work for which such employee is receiving or will receive a salary or wages if such additional compensation would have the effect of increasing the total compensation of such employee to more than is permitted by these regulations.

§ 1100.14 Conclusiveness of determination. (a) Any determination of the Administrator that a salary or wage payment is in contravention of the Act is conclusive in every respect upon all executive departments and agencies of the Federal Government for the following purposes:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regu-

lation thereunder.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf

of the United States.

(b) Any such determination of the Administrator is final and not subject to review by The Tax Court of the United States or by any court in any civil proceedings. Nothing herein is intended, however, to deny the right of any employer or employee to contest in The Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision of these regulations on the ground that such provision is not

authorized by law, or

(2) Any action taken or determination made under these regulations, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required by

§ 1100.15 Effect of unlawful payments—(a) Amounts disregarded. Section 5 (a) of the act provides in effect that the President shall prescribe the extent to which any salary or wage payments made in contravention of regulations promulgated under the act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any other law or regulation. Pursuant to § 4001.6 of the general regulations, in any case where salary or wage payments are determined by the Administrator to have been made in contravention of the act, the entire amount of such payments is to be disregarded by all executive departments and all other agencies of the Federal Government for the purposes of:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereunder.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the act may be disregarded for more than one of

the foregoing purposes.

(b) Criminal penalties. Section 5 (a) of the act provides in substance that no employer shall pay, and no employee shall receive, any salaries or wages in contravention of the regulations promulgated by the President under the act. Section 11 of the act provides that any person, whether an employer or employee, who willfully violates any provision of the act, or any regulations promulgated thereunder, shall be subject upon conviction, to a fine of not more than \$1,-000.00 or to imprisonment for not more than one year, or to both such fine and imprisonment,

§ 1100.16 Determination of violations. Determination by the Administrator that a salary or wage payment is in contravention of the act so as to have the effect specified in §§ 1100.14 and 1100.15 hereof, shall be made in the following manner:

All alleged violations will be handled by the Director, for those States for which no State WFA Wage Board has been established, and by the State WFA Wage Board for those States for which State WFA Wage Boards have been established.

(a) Preliminary investigation. Preliminary investigations of all wage or salary payments alleged to be unlawful shall be made by representatives of the Administrator. If the case is one to be handled by the Director, the report of the investigation shall be submitted to the Associate Solicitor in Charge of Food Production and Commodity Credit for consideration. If the case is one to be handled by a State WFA Wage Board, the report of investigation shall be submitted to the Regional Attorney, Dapartment of Agriculture, within whose region the State involved lies, for consideration. The Associate Solicitor shall forward such reports as he receives, with his recommendations, to the Director. The Regional Attorneys shall forward such reports as they receive, with their recommendations, to the Board which has jurisdiction over the alleged violation. If, after consideration of the report and the recommendations, the Director or the Board, as the case may be, is of the opinion that there is reasonable cause to believe that a violation has occurred, the Director or the Board, as the case may be, shall request the alleged violator to appear at a hearing before the

Director or the Board, as the case my be: Provided, however, That the Director or the Board may direct that such hearing shall be held before a person authorized to act as an examiner, presiding officer, or referee, by the designation, issued October 25, 1943, entitled "Designation of Persons to Hold Hearings to Sign and Issue Subposnas, and to Administer Oaths and Affirmations," (8 F. R. 14592), as amended. In the event that the Director or the Board, as the case may be, designates that a hearing shall be conducted by such an authorized person, the Director or the Board, as the case may be, shall notify the Associate Solicitor in Charge of Food Production and Commodity Credit who shall name such an authorized person to preside at such hearing and such person shall give notice of the hearing and shall take all other steps required by this section for the holding of hearings, and shall forward the record, together with his recommendations, to the Administrator.

Where the hearing is conducted by a Wage Board, three members of the Wage Board shall constitute a quorum authorized to conduct such hearing, and the chairman of the Wage Board, or temporary chairman in the absence of the regular chairman, shall act as presiding officer at the hearing, administer oaths and affirmations and rule on motions, requests, and on the admission and exclu-

sion of evidence.

(b) Notice. Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge, and (4) a statement informing the alleged violator that failure to appear will not preclude the Director or the Board, as the case may be, from taking testimony, receiving proof, and making findings and recommendations with respect to the charges.

(c) Conduct of the hearing. The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing

shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(d) Findings and recommendations. Upon conclusion of the hearing, the Director or a majority of the Board, as the case may be, shall prepare findings of fact and recommendations and submit them, together with a transcript of the proceeding to the Administrator. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the record, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of the Act and shall make appropriate findings and conclusions. A copy of such determination and of such findings and conclusions shall be served by registered mail on the alleged violator.

(e) Petition for reconsideration. Within five (5) days after receipt of a copy of the Administrator's determination and findings and conclusions, the alleged violator may file with the War Food Administrator, Washington 25, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavit or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify, or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings except as set forth in § 1100.14 (b) hereof.

§ 1100.17 Inspection of records. Upon request of an authorized agent of the War Food Administrator, the Department of Agriculture, or a WFA Wage Board, any person, including an independent contractor, employing or paying agricultural labor shall make available for inspection and audit by such authorized agent all employment and wage records kept by such person, such inspection and audit to be made at a place designated by such authorized agent, unless such person prefers to have the audit and inspection made at such person's place of business where such records are kept.

§ 1100.18 Scope of regulations—(a) Geographical. Salaries and wages paid to agricultural labor in the territories and possessions of the United States are exempt from the operations of the general regulations and these regulations.

(b) Services in foreign countries. The provisions of these regulations shall not be applicable in the case of any individual employer resident in the United States or any territory or possession thereof, or of a corporate employer organized under the laws of the United States or any State, territory or possession, with respect to salaries or wages paid by such employers to employees for service rendered exclusively in foreign countries.

(c) Foreign employers. The provisions of these regulations shall not be applicable in the case of nonresident foreign employers, except that if any salary or wage is paid to any employee residing in the United States, payment of such

salary or wage is subject to all the provisions of these regulations.

Issued this 3d day of October 1944.

Wilson Cowen, Assistant War Food Administrator.

[F. R. Doc. 44-15326; Filed, Oct. 8, 1944; 8:13 p. m.]

TITLE 32—NATIONAL DEFENSE

. Chapter IX-War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 905—SPECIFICATIONS
[Directive 8, Revocation]

NATIONAL EMERGENCY SPECIFICATIONS FOR DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS

Section 905.1 Directive No. 8 is hereby revoked. This revocation does not affect any liabilities incurred under the directive.

Issued this 4th day of October 1944.

J. A. Krug, Acting Chairman.

[F. R. Doc. 44-15347; Filed, Oct. 4, 1944; 11:10 a. m.]

PART 905—SPECIFICATIONS [Directive 9, Revocation]

NATIONAL EMERGENCY SPECIFICATIONS FOR DESIGN OF REINFORCED CONCRETE BUILD-INGS

Section 905.2 *Directive No. 9* is hereby revoked. This revocation does not affect any liabilities incurred under the directive.

Issued this 4th day of October 1944.

J. A. KRUG, Acting Chairman.

[F. R. Doc. 44-15346; Filed, Oct. 4, 1944; 11:09 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Direction 5]

DELIVERIES OF MATERIAL TO FILL A PRODUC-TION SCHEDULE AUTHORIZED UNDER PRI-ORITIES REGULATION 25

The following direction is issued pursuant to Priorities Regulation 1:

Notwithstanding the provisions of § 944.14 of Priorities Regulation 1, a person who has been given an authorized production schedule under Priorities Regulation 25 may accept delivery of any item of non-controlled materials or products which he needs to fill that production schedule providing his inventory is not, or will not by virtue of accepting the delivery become, in excess of his succeeding six months requirements.

Non-controlled materials or products, for the purposes of this direction, means any material or product which is not in a controlled material form as defined in CMP Regulation 1.

Inventory Direction 20 to CMP Regulation 2 states similar rules for controlled materials.

Issued this 4th day of October 1944.

WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-15348; Filed, Oct. 4, 1944; 11:09 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Direction 6]

DELIVERY OF CAPITAL EQUIPMENT OBTAINED WITHOUT PRIORITIES ASSISTANCE OR PURSUANT TO PRIORITIES REGULATION 24

The following direction is issued pursuant to Priorities Regulation 1:

The inventory restrictions stated in § 944.14 of Priorities Regulation 1 do not apply to items of capital equipment which a person is authorized to buy under Priorities Regulation 24 or which he obtains without priorities assistance.

Therefore, notwithstanding the provisions of § 944.14 of Priorities Regulation 1 and regardless of the inventory limitations in that regulation, a person may accept delivery of any item of capital equipment which he is authorized to buy pursuant to Priorities Regulation 24 or which he gets without priorities assistance.

Issued this 4th day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-15349; Filed, Oct. 4, 1944; 11:10 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Dir. 20]

DELIVERIES OF CONTROLLED MATERIALS TO FILL A PRODUCTION SCHEDULE AUTHOR-IZED UNDER PRIORITIES REGULATION 25

The following direction is issued pursuant to CMP Regulation 2:

§ 3175.120 Inventory Direction 20 to CMP Regulation 2.

Notwithstanding the provisions of CMP Regulation 2 a user of controlled material who has been given an authorized production schedule under Priorities Regulation 26 may accept delivery of any item of controlled material which he needs to fill that production schedule providing his inventory is not, or will not by virtue of accepting the delivery become, in excess of his succeeding six months requirements.

This direction permits a person to exceed the inventory limits stated in CMP Regulation 2 only to the extent that the excesses are obtained from idle and excess stocke pursuant to Priorities Regulation 13 or through the use of deferred allotments granted under Priorities Regulation 25. Direction 5 to Priorities Regulation 1 states similar rules for non-controlled materials.

Issued this 4th day of October 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-15350; Filed, Oct. 4, 1944; 11:09 a. m.]

PART 3293—CHEMICALS [General Allocation Order M-300, Schedule 55]

ADIPIC ACID

§ 3293.1055 Schedule 55 to General Allocation Order M-300—(a) Definition. "Adipic acid" means adipic acid of any grade and from whatever source derived, but does not include esters or other derivatives of adipic acid except metallic salts.

(b) General provisions. Adipic acid is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is April 5, 1943, when adipic acid and derivatives first became subject to allocation under Order M-304 (revoked). The allocation period is the calendar month. The small order exemption without use certificate is 10 pounds per person per month.

(c) Special interim provision. Prior to November 1, 1944, adipic acid may be delivered, accepted and used for the manufacture of "Nylon" or in accordance with specific authorizations issued on the basis of applications filed in the form heretofore prescribed in Order M-304

(revoked).

(d) Suppliers' applications on WPB-2947. Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 20th day of the month before the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-55. The unit of measure is pounds. An aggregate quantity may be requested, without specifying customers' names, for delivery on uncertified exempt small orders. Fill in Table II.

(e) Certified statements of use. Each person placing orders for delivery of more than 10 pounds of adipic acid per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300. End use may be specified in terms of the following products:

"Nylon".

Di-isobutyl adipate, or other esters

(specify).
Other plasticizers (specify).
Insulating resins.
Coatings for fabrics.
Sealing and slushing compounds.
Petroleum demulsifiers.
Cyclopentanone.
Other product (specify).

Proposed use may also be specified as "for resale on further authorization", "for resale on exempt small orders", or

"for export" (specify destination and export license number).

(f) Budget Bureau approval. The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) Communications to War Production Board. Reports and communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-55.

Issued this 4th day of October 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-15351; Filed, Oct. 4, 1944; 11:09 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-304, Revocation]

ADIPIC ACID

Section 3293.406 Conservation Order M-304 is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Adipic acid is subject to allocation under General Allocation Order M-300 as an Appendix B material, subject to Schedule 55 issued simultaneously with this revocation.

Prior to November 1, 1944, adipic acid may be delivered, accepted and used for the manufacture of "Nylon" or in accordance with specific authorizations issued on the basis of applications filed in the form heretofore prescribed in Order M-304 (revoked).

Issued this 4th day of October 1944.

War Production Board, By J. Joseph Whelam, Recording Secretary.

[F. R. Doc. 44-15352; Filed, Oct. 4, 1944; 11:09 a. m.]

PART 3293—CHEMICALS

[Preference Rating Order P-89, as Amended Oct. 4, 1944]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

§ 3293.521 Preference Rating Order P-89.—(a) Definitions. For the purpose of this order:

of this order:
(1) "Producer" means any person operating a plant engaged in the production of chemicals or allied products, who shall have received a serial number from the War Production Board pursuant to paragraph (b).

(2) "Material" means any commodity, equipment, accessory, part, assembly, or

product of any kind.

(3) "Controlled material" means controlled material as defined in CMP Regulation No. 1.

(4) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

(5) "Repair" means the restoration of a producer's property and equipment to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(6) "Operating supplies" means any material which is essential to the operation of the producer's plant including, but not limited to, lubricants, catalysts, safety equipment worn by employees, hand tools and small perishable tools: Provided, however, That the term operating supplies shall not include;

(i) Any material which is physically or chemically incorporated, at any stage of production, in whole or in part, into any material which the producer manu-

lactures.

(ii) Any material which, at any stage of production, enters into the chemical reaction necessary to the manufacture, or is used in the purification (including, among other things, washes, solvents, extractants, filter aids, and the like) of any material which the producer manufactures.

(7) Material for maintenance, repair and operating supplies shall include:

(i) Material for the improvement (but not expansion) of the producer's plant through the replacement of material in the existing installation, but only when such equipment is beyond economical repair.

(ii) Material for the maintenance and

repair of pressure cylinders.

(iii) Material, such as hand tools, customarily purchased by the particular employer for sale to his employees for use only in his business, provided such material would constitute an operating supply under established accounting practice if issued to employees without charge.

(iv) Material for maintenance, repair and operating supplies for general offices, branch offices, sales rooms and other facilities essential to the conduct of the business.

(8) In addition, there may be included as maintenance, repair and operating supplies minor capital additions, the cost of which does not exceed \$500, excluding the producer's cost of labor, for any one complete addition which has not been subdivided for the purpose of coming within this definition.

Nora: Subparagraphs (9) and (10) formerly undesignated; (11) and (12) formerly (9) and (10) redesignated Oct. 4, 1944.

(9) Blanket ratings or allotments assigned under this order may be used to obtain material required for rearrangement of an existing installation, for adaptation of an existing installation to a different process, or for installation of new machinery or equipment, if the cost of the required material (not including cost of used material) does not exceed \$1000 for each complete job.

(10) Ratings and allotments under this order may also be used to obtain materials for installation or relocation of machinery or equipment permitted by

Direction 2 under Order L-41.

(11) In addition, material for maintenance, repair and operating supplies may include material required to avoid losses of production below current rated capacity as a result of manpower losses by installation of labor-saving devices, but only when specifically approved upon application pursuant to paragraph (e) (i).

(12) "P-89 producer's cost of labor" means the cost of labor performed by employees of a producer registered under this order, and includes the labor cost of a contractor to the extent that the contractor's labor is performed on the premises of the producer.

(b) Application for assignment of serial number. In order to become a producer subject to this order, any person operating a plant engaged in the production of chemicals or allied products, may apply by letter requesting assignment of a serial number under this order to specified plants. Such letter shall be addressed to War Production Board, Chemicals Division, Washington 25, D. C., Ref: P-89, and shall be accompanied by application on Form WPB-1765.

For the purpose of this order a producer remains a producer from the time a serial number is granted to him until the time when the serial number is expressly revoked by the War Production Board.

(c) [Deleted Jan. 14, 1944]

(d) Assignment of preference rating, allotment symbol and purchase order quota. (1) The blanket preference rating and allotment symbols under this order shall be those specifically assigned by the War Production Board to each producer on Form WPB-1765, or in some cases by letter, and will remain in effect until amended or revoked by the War Production Board. This rating may be applied for services to have the producer's plant, machinery or equipment repaired, as provided in Priorities Regulation 3. No producer shall apply the preference rating or allotment symbol assigned under this paragraph to any order for fabricated parts or material having a unit cost of \$1000 or more, excluding the P-89 producer's cost of labor. For the purpose of determining unit cost, an item shall not be subdivided into sits component parts. Unit cost shall be computed on the basis of the cost of each item ordered, and not on the basis of the total cost to the P-89 producer for each particular operation requiring maintenance, repair and operating supplies. Applications must be made pursuant to paragraph (e) for preference ratings or allotment symbols for parts or material having a unit cost of \$1000 or more.

(2) No producer shall place orders during 1944 for maintenance, repair and operating supplies costing more than 120% of the cost of the maintenance, repair and operating supplies which he ordered during 1943. This refers to orders without ratings or allotments (unless specifically for postwar delivery). and to orders with ratings or allotments assigned independently of this order (as on Form WPB-541, formerly PD-1A), as well as to orders with blanket ratings or allotments under this order, whether for straight maintenance, repair or operating supplies or for minor capital additions or for installation materials under paragraph (a) (8). However, orders for items having a unit cost over \$1000 (or over \$500 prior to July 29, 1944) approved upon application on Form WPB-1319, or similar forms are not included, nor orders approved under paragraphs (e) or (f) of P-89. Orders for items on Lists A and B of Priorities Regulation 3 may be disregarded if not counted among either 1943 or 1944 purchases.

The producer may calculate his 1943 purchases under this paragraph on the basis of his normal accounting practice or on the basis of doubling the estimated dollar value of the quotas specifically assigned to him under this order for the 3rd and 4th quarters of 1943, including revisions.

Each producer must count against his quota all his purchase orders for maintenance, repair and operating supplies placed during 1944, even though he may have registered under P-89 after January 1, 1944.

Application for revision of 1944 quota may be made on Form WPB-1765 as prescribed therein.

- (e) Special applications. (1) If the producer is unable to secure delivery of materials of services for maintenance, repair or operating supplies, including Class A products, because the preference ratings or allotment numbers or symbols assigned hereunder are insufficient, or because the unit cost limitation would be exceeded, or because application must be made pursuant to paragraph (a) (11) for labor saving equipment, the War Production Board may, upon written or telegraphic request, assign such special ratings or allotments as it deems proper. Such letters or telegrams shall be addressed to the War Production Board. Chemicals Bureau, Washington 25, D. C., Ref: P-89, and shall contain the following information:
- 1. Plant location and P-89 serial number.
 2. Fabricated item(s) or controlled material(s) being ordered. When a Class A product is being ordered specify weight of each controlled materials. When controlled materials are ordered specify in what quarter needed.
- 3. Value of order.
 4. How will item(s) be used by you upon receipt of order?
- 5. (a) If a replacement, is the item a duplicate of the one being replaced? (b) Is it fabricated from the same material(s)? If not, explain the difference(s) in (a) and (b). (c) How old is the replaced item?
- 6. (a) Amount of such material (or equivalent substitute) in inventory. (b) In the case of processing equipment, how many units in service?
- 7. (a) What is the average life of the item(s) being ordered? (b) How many hours per week is it used?
- 8. Name and address of the supplier.
- 9. Purchase order number and date (if placed).
- 10. Principal end uses of product or products affected.
- 11. Actual curtailment of entire plant production now. In the case of applications under paragraph (a) (11), explain in detail manpower losses necessitating labor saving equipment of equivalent capacity.
- 12. Estimated curtailment of plant production if breakdown occurs before receipt of order.

- 13. Explain urgency of the order—is it for actual replacement on receipt, for inventory, or for expansion?
- 14. Requested rating and allotment.
- 15. Delivery date promised by supplier on basis of rating requested.
- 16. When application is made under paragraph (e) (1) for an AAA rating, or for an equivalent delivery directive, it is essential that the following information be added: All relevant purchase order numbers including the fabricator's job number; the delivery date promised on the basis of the requested special rating; and a list of all suppliers from whom quotations have been requested, together with their answers.
- (2) If the request under paragraph (e) (1) above is for the kind of Class A facility covered by Direction 34 to CMP Regulation 1, the War Production Board will treat the request as an application under that direction and will, if the request is approved, assign a rating for the purchase of the facility and make an allotment on CMPL-150 of the controlled materials needed to make the facility. When a CMPI-150 is issued under this paragraph, the applicant and the manufacturer of the Class A facility should rollow the procedure set forth in Direction 34 (paragraphs (e) and (f) in particular) to CMP Regulation 1, as if the CMPL-150 had been issued under that di-
- (1) Special ratings for containers.
 (1) Steel drums as defined in Limitation Order L-197, cans as defined in Conservation Order M-81, wooden or fibre containers as defined in Preference Rating Orders P-140 and P-146, glass containers as defined in the L-103 series of orders, and other containers (and container parts) specifically named in the list of examples under the general heading "Containers" in List B of Priorities Regulation 3, may not be obtained by blanket or special ratings under this order.

(2) Other containers may not be obtained by use of the blanket rating assigned under paragraph (d) of this order, but application may be made to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: Chemicals Packaging Section, for special preference ratings under this order. The application shall be filed by letter in duplicate or by telegram and shall specify:

- 1. Product to be packaged.
- 2. Plant location and P-89 serial number.
- 3. Number of containers requested.
- 4. Specification of container.
- 5. Other sizes of containers used to package the product.
- 6. Average number of containers shipped per month (of the size ordered).
- 7. What substitute containers have been used or could be used.
- 8. Inventory position of the requested containers, including both new and used containers, and those out on deposit.
- 9. Name of container supplier and applicant's order number.
 - 10. Total value.
 - 11. Rating requested.
- 12. Delivery date promised by supplier on the basis of rating requested.
- (g) Procedure for applying preference ratings and allotment numbers or symbols to purchase orders. (1) Ratings or

allotments assigned under this order may be endorsed on or attached to purchase orders in the following form, signed manually or as provided in Priorities Regulation 7:

_____ (Preference Rating) _____ (Allotment number or symbol)
_____ (P-89 Serial Number)
Certified under P-89.

(Name of purchaser)

By

(Signature and title of duly authorized officer)

(Address)

The certification provided in Priorities Regulation No. 7 may be used as an alternate procedure, provided the above information is added.

- (2) An order bearing such certification shall be deemed an authorized controlled material order in the case of controlled materials, and in the case of all other materials shall have the same status as an order bearing an allotment number or symbol for the purposes of CMP Regulation No. 3 and all other applicable CMP regulations.
- (3) No producer may apply the ratings assigned by or pursuant to this order to obtain delivery of the items set forth in Lists A and B attached to Priorities Regulation 3, as now or hereafter amended, except where the regulation permits the use of P-89 ratings for a particular item or where ratings are specifically assigned pursuant to paragraphs (e) or (f) of this order for specific kinds and quantities of List B items.
- (h) Inventory diversion. No producer shall use material for maintenance, repair or operating supplies obtained with ratings or allotment numbers or symbols assigned by or pursuant to this order, except in that portion of his facilities to which a serial number under this order has been assigned.
- (i) Inventory restriction. No producer shall accept delivery of any non-controlled material for maintenance, repair or operating supplies, whether or not obtained with preference ratings or allotment numbers or symbols assigned by or pursuant to this order, which would cause his inventory of such material for maintenance, repair or operating supplies to exceed a minimum practicable working inventory. Inventories of controlled materials held by producers are subject to the provisions of CMP Regulation No. 2.
- (j) Applicability of regulations. This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time; Provided, however, That no producer shall be subject to the provisions of CMP Regulations No. 5 or No. 5A, and no producer shall obtain any material under the provisions of either of said regulations. Privileges under other WPB regulations and orders granted to persons on Schedules I and II of CMP Regulation 5

shall be considered as applicable to producers assigned an equal preference rating under this order (for example, Order E-5-a on gauges and precision measuring tools classifies a person on Schedules I and II of CMP Regulation 5 as an "approved user").

- (k) Miscellaneous provisions—(1) Records. In addition to the records required to be kept under Priorities Regulation No. 1, a producer placing any purchase order or contract rated or assigned a CMP allotment number or symbol hereunder, shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts, or filed in such manner that they can be readily segregated for such inspection.
- (2) Reports. The War Production Board may require each producer to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to Federal Reports Act of 1942, and may issue special directions to any producer with respect to preparing and filing Form WPB-1765.
- (3) Budget Bureau approval. The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to Federal Reports Act of 1942.
- (4) Appeals. Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.
- (5) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.
- (6) Communications to War Production Board. All reports required to be

filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C.; Ref.: P-83.

Issued this 4th day of October 1944.

WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

INTERPRETATION 1: Revoked July 23, 1944. [F. R. Doc. 44-1353; Filed, Oct. 4, 1944; 11:10 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS
[FPR 1, Amdt. 12 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

1. The table in section 1 (a) is amended by adding item 12 to read as follows:

			Colm	mn 4
Column 1 Item No.		Column3 Section	Scc- tion	Ap- pon- dix
12	Fruit existail (California enly)	. 5	16	F

2. In section 16, Appendix F is added to read as follows:

AFFERDIX F-FEUTT COCKTAIL

Explanation of how maximum prices for packed fruit cocktail are figured. This appendix includes specific pricing provisions for packed fruit cocktail produced in the state of California.

Conversions for grade, for syrup differential, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed apricots. The explanation at the beginning of Appendix B of this section applies to this appendix for that purpose, except that no conversion is provided for style of pack.

1. California.

TABLE 1—AREAS

Tadle 2—dase period filtes

Weighted average selling price for the first 60 days after the beginning of the 1941 peek.

Table 3—permitted increases and fince ranges fer dozen containeds for frecessors of pacted ficti cocktail who hade gales during the base period

AREA 1

Grade	No. 1 tall cans		No. 232 cans		No. 18 cans	
	Permitted increases	Price ranges	Permitted increases	Price ranges	Permitted increases	Price ranges
FancyChoiœStandard	80.83 25 241	\$1.63-\$1.63 1.75- 1.61 1.61- 1.67	80.62 .87 .64	83.12-53.20 2.69-3.63 2.62-2.63	\$3,89 3,79 2,64	\$11,55-\$11,55 10,72-10,63 0,41- 9,63

^{*}Copies may be obtained from the Office of Price Administration.

¹ FR. 9493, 9613, 10194, 10356, 10497, 10630, 10709, 10714.

TABLE 4-SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED FRUIT COCKTAIL DURING THE BASE PERIOD

AREA 1

Grade '	No. 1 tall	No. 2½	No. 10
	cans	cans	cans
Fancy	\$1.88	\$3. 16	\$11. 55
Choice	1.78	3. 02	10. 85
Standard	1.54	2. 55	9. 56

TABLE 5-CONVERSION FACTORS-METAL CONTAINERS AREA 1

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	8 ounces	No. 1 tall	No. 2	No. 2½	No. 10
8 ounces	0.60 .35 .10	1. 62 -80 -58 -17	1. 25 -72 -72 -21	2.87 1.72 1.38	9. 73 5. 83 4. 68 3. 39

TABLE 6-CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price the glass conts er size at the hi of a column low, add (or s tract) the in cated amount	
	No. 2½ glass	No. 303 glass
No. 2½ cans	+\$0. 20	-\$0.30

TABLE 7-SYRUP DIFFERENTIALS

If you pack fruit in syrup of which the density does correspond to the grade of the fruit, subtract the differential stated below for the grade from the prices computed from Tables 3 or 4 and add to the resulting figures the differential for the syrup you do use.

[Dollars per dozen containers]

Grade	No. 1	No. 21/2	No. 10
	tall cans	cans	cans
Extra heavy (fancy)	\$0.11	\$0.21	\$0.67
Heavy (choice)	.08	.15	.48
Light (standard)	.05	.10	.31

The density of the syrup referred to above is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 22°-35° Brix.

"Heavy syrup" means syrup having a cut-out density of 18°-22° Brix.

"Light syrup" means syrup having a cut-out density of 14°-18° Bris

out density of 14°-18° Brix.

TABLE 8-GRADE DIFFERENTIALS

Differences between successive grades (dollars per dozen containers)

AREA 1

Grade	No. 1 tall cans	No. 2½ cans	No. 10
Fancy and choice	\$0.10	\$0.14	\$0.70
Choice and standard	.24	.47	1.29

This amendment shall become effective October 4, 1944.

Issued this 4th day of October 1944.

CHESTER BOWLES, Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment, establishing maximum prices, for fruit cocktail produced in California, based on the raw fruit costs referred to in the statement of considerations, is necessary to aid in the effective prosecution of the war.

> FRED M. VINSON, Economic Stabilization Director.

[F. R. Doc. 44-15354; Filed, Oct. 4, 1944; 11:17 a. m.]

PART 1351-FOOD AND FOOD PRODUCTS [FPR 3, Supp. 41

BEET PULP PRODUCTS

In the judgment of the Administrator, it is necessary and proper to establish specific maximum prices for beet pulp products, produced in the United States. Maximum prices for these commodities are presently covered by the General Maximum Price Regulation. This supplement therefore supersedes the General Maximum Price Regulation insofar as that regulation establishes maximum prices for sales of beet pulp products produced in the United States.

Such specifications and standards as are used in this supplement were, prior to such use, in general use in the trade or industry.

A statement of the considerations involved in the issuance of this supplement, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

FOOD PRODUCTS REGULATION 3, SUPPLEMENT 4-BEET PULP PRODUCTS

ARTICLE I-GENERAL PROVISIONS

- Sec. 1. Explanation of the relation of this supplement to Food Products Regulation No. 3.
- 2. Applicability.
- 8. Sales at other than maximum prices.
- 4. Definitions.
- 5. Other provisions of general applicability. ARTICLE II-PRICING PROVISIONS
- 6. Base per ton prices for beet pulp products.
- 7. Maximum prices for sales by processors.
- 8. Maximum prices for sales by truckermerchants.
- 9. Maximum prices for sales by jobbers and car door sellers.
- Maximum prices for sales by wholesalers and retailers.
- 11. Charges for sacks.

AUTHORITY: Secs. 1-11, inclusive (§ 1351.-399), issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I-GENERAL PROVISIONS

SECTION 1. Explanation of the relation of this supplement to Food Products Regulation No. 3. Not all of the provisions affecting maximum prices for sales of beet pulp products are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 3, and they are just as much a part of this supplement as if they were printed here.

The particular sections of Food Products Regulation No. 3 which are applicable to this supplement are listed in appropriate places in the provisions which follow. When an applicable section of the regulation is amended, the amendment is also applicable to this supplement.

SEC. 2. Applicability. Except for those sales exempted by paragraph (a) of this section, this supplement shall apply to all sales within the United States of beet pulp products produced in the United States, and to all deliveries of such products, whether immediate or future.

(a) Exempt sales—(1) Export sales. Section 2.1 of Food Products Regulation No. 3, dealing with export sales, is ap-

plicable to this supplement.

(2) Emergency purchases. Section 2.2 of Food Products Regulation No. 3, dealing with emergency purchases, is applicable to this supplement.

Sec. 3. Sales at other than maximum prices. (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any commodity covered by this supplement at a price above the maximum price established by this supplement, nor shall any person agree, solicit, offer or attempt to do any of the foregoing: Provided, however. That certain agreements to raise prices are permissible, as provided in subparagraph (1) of this paragraph.
(1) Adjustable pricing. Section 2.3 of

Food Products Regulation No. 3, dealing with adjustable pricing, is applicable to this supplement.

(b) Prices lower than the maximum prices established by this supplement may, of course, be charged or paid.

4. Definitions—(a) appearing in Food Products Regulation No. 3. Definitions of the following terms set forth in the designated sections of Food Products Regulation No. 3 are applicable to all of the provisions of this supplement:

"Person": Sec. 1.1 of Food Products Reg-ulation No. 3, "United States": Sec. 1.2 of Food Products Regulation No. 3. "Processor": Food Products Regulation No. 3. "Processor":
Sec. 1.3 of Food Products Regulation No. 3.
"Store": Sec. 1.4 of Food Products Regulation No. 3. "Retailer": Sec. 1.5 of Food Products Regulation No. 3. "Car door seller": Sec. 1.6 of Food Products Regulation No. 3. "Trucker-merchant": Sec. 1.7 of Food No. 3. "Trucker-merchant": Sec. 1.7 of Food Products Regulation No. 3. "Jobber": Sec. 1.8 of Food Products Regulation No. 3. "Wholesaler": Scc. 1.9 of Food Products Regulation No. 3. "Feeder": Sec. 1.10 of Food Products Regulation No. 3. "Supplier": Sec. 1.11 of Food Products Regulation No. 8. "Customer": Sec. 1.12 of Food Products Regulation No. 3. "Commodity": Sec. 1.15 of Food Products Regulation No. 3.

^{*}Copies may be obtained from the Office of Price Administration.

"Transportation cost": Sec. 1.20 of Food

Products Regulation No. 3.
"Hauling allowance": Sec. 1.21 of Food

Products Regulation No. 3.
"Carload shipment": Sec. 1.22 of Food Products Regulation No. 3.

"Pool car lot": Sec. 1.23 of Food Products Regulation No. 3.

'Less-than-carload-lot": Sec. 1.24 of Food Products Regulation No. 8.

"Applicable Supplement": Sec. 1.26 of Food Products Regulation No. 3.

(b) Additional definitions. When used in this supplement, the following terms shall have the following meanings:

"Beet pulp" means the fibrous residue of beets resulting from the manufacture of sugar from sugar beets which have been cleaned, and freed from crowns, leaves and sand.

"Beet pulp products" means beet pulp and the products of further processing

beet pulp by drying or pressing.
"Dried beet pulp" means beet pulp which has been dried, through the use of

pulp drying equipment.

"Pressed beet pulp" means beet pulp which has been pressed to reduce its moisture content and which is thereafter sold without being stored in a silo by the processor.

"Wet beet pulp" means all beet pulp other than dried, or pressed beet pulp. It includes "green" beet pulp, i. e., pulp freshly produced, and "siloed" beet pulp, i. e., beet pulp which has been stored in pulp siloes for any length of time.

"Area A" means that portion of the United States lying east of the line formed by the eastern boundaries of Minnesota, Iowa, Missouri, Arkansas and Louisiana.

"Area B" means the states of Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska,

Kansas, Oklahoma, Texas and Colorado. "Area C" means the states of Washington, Oregon, California, Idaho, Nevada, Arizona, New Mexico, Utah, Wyoming and Montana.

"Your supplier's maximum price on the sale to you" means the maximum price per ton your supplier could have charged on the sale and delivery to you.

SEC. 5. Other provisions of general applicability. Provisions relating to the following matters are set forth in Food Products Regulation No. 3, and the sections of that regulation listed below are applicable to and made a part of this supplement as though set forth herein in

(a) Evasion: Sec. 2.4 of Food Products Regulation No. 3.

(b) Enforcement: Sec. 2.5 of Food Products Regulation No. 3.

(c) Licensing: Sec. 2.6 of Food Prod-

ucts Regulation No. 3. ° (d) Documents, records and reports: Sec. 2.7 of Food Products Regulation

No. 3. (e) Interpretations, protests and petitions for amendment: Sec. 2.8 of Food Products Regulation No. 3.

ARTICLE II-PRICING PROVISIONS

Sec. 6. Base per ton prices for beet pulp products. Base prices for all beet pulp products produced in the United States are set forth below. Base prices vary with the location of the production plant and with the type of product involved. In the case of wet beet pulp, they also vary with the month in which

delivery is made.

(a) Dried beet pulp. The following are base prices for sales or deliveries of 60,000 pounds or more and for carload shipments and pool car lots of dried beet pulp produced in the United States. In the event you sell and deliver a less-thancarload lot, you may add \$1.00 per ton to the prices listed below in arriving at your base price.

(1) Produced in Area A. Base per ton price for dried beet pulp produced at any point in Area A is \$45.00 less the per ton carload freight rate for a shipment of dried beet pulp from such point

to Boston, Massachusetts.

(2) Produced in Arca B. Base per ton price for dried beet pulp produced at any point in Area B is \$46.50 less the per ton carload freight rate for a shipment of dried beet pulp from such point to At-

lanta, Georgia.
(3) Produced in Area C. Base per ton price for dried beet pulp produced at any point in Area C is \$32.00 per ton.

(b) Wet beet pulp. Base per ton prices for wet beet pulp are as follows:

AREA OF PRODUCTION

Month in which de- livery is made	Area A	Arca B and C ex- cept Call- lorala	California
August September October November December January February March through July August	\$3.80 .89 .95 1.10 1.25 1.40 1.60	£9,£5 -10 1,25 1,49 1,65 1,65	81.00 1.00 1.40 1.40 1.40 1.40 1.40

(c) Pressed beet pulp. Base per ton prices for pressed beet pulp are \$1.50 per ton if produced in Area A or in California and \$1.65 per ton if produced in Area B or at any point in Area C except

Sec. 7. Maximum prices for sales by processors. Section 3.1 of Food Products Regulation No. 3, which provides a pricing method for processors, is applicable to this supplement.

(a) Base prices. The base price referred to in section 3.1 is the appropriate base price found in section 6 of this supplement.

(b) Maximum markup. As a processor you are not permitted to add a maximum markup in figuring the maximum price for the sale of any lot unless you have unloaded such lot into a warehouse (other than a pulp silo) or store operated by you as a separate place of business not located at the production plant, and you sell from such warehouse or store. If, as to any lot, you comply with this requirement, you may add the appropriate one of the following markups:

If you sell to a feeder from a store____ 84.50 In all other cases_____ 1.59

Sec. 8. Maximum prices for sales by trucker-merchants. Section 3.2 of Food Products Regulation No. 3, which proyldes a pricing method for trucker-merchants, is applicable to this supplement.

(a) Your supplier's maximum price. Section 3.2 refers to "your supplier's

maximum price on the sale to you". It is defined in section 4 of this supplement.

(b) Hauling allowance. Section 3.2 of Food Products Regulation No. 3 also refers to "hauling allowance". That term is defined in section 1.21 of Food Products Regulation No. 3.

Sec. 9. Maximum prices for sales by Jobbers and car-door sellers. Section 3.3 of Food Products Regulation No. 3, which provides a pricing method for jobbers and car-door sellers, is applicable to this supplement.

(a) Your supplier's maximum price. Section 3.3 refers to "your supplier's maximum price on the sale to you". It is defined in section 4 of this supplement.

(b) Maximum markup—(1) Jobbers. If you are a jobber and no other jobber has already handled the same lot, you may add one of the following maximum markups:

For deliveries in pool car lots_____ \$1.00

(2) Car door sellers. If you are a car door seller, you may add a maximum markup of \$3.50 per ton for sales or deliveries of all beet pulp products.

Sec. 10. Maximum prices for sales by wholesalers and retailers. Section 3.4 of Food Products Regulation No. 3, which provides a pricing method for wholesalers and retailers, and section 3.5 of Food Products Regulation No. 3, which provides base prices for wholesalers and retailers, are applicable to this supplement.

(a) Base prices. Base prices referred to in section 3.4 are the base prices set out in section 3.5 of Food Products Regulation No. 3.

(b) Maximum markups. This regulation aims to prevent the inclusion in any maximum price of more than one markup for any class of seller. As a retailer you can always add a retailer's maximum markup since a seller can qualify as a retailer only when he is selling a particular lot to a person who will use the lot and will not resell it. It is therefore impossible for two retailers to handle the same lot. As a wholesaler, however, you are permitted to add the maximum markup set out below in figuring the maximum price for the sale of any lot. only if no other wholesaler has already handled the lot. On this condition, the following maximum markups may be added:

Per ton. Wholecalers _____ Retailers _

Sec. 11. Charges for sacks. Section 3.6 of Food Products Regulation No. 3, dealing with increases for sacks, is applicable to this supplement.

This supplement shall become effective on the 9th day of October 1944.

Note: The record keeping provisions of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of October 1944.

CHILTER BOWLES. Administrator.

[F. R. Doc. 44-15355; Fried, Oct. 6, 1944; 11:19 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355 1, Amdt. 19]

RETAIL CEILING PRICES OF BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 355 is amended in the following respects:

- 1. Section 5 (c) is amended by the addition of a sentence at the end of the second unnumbered paragraph following subparagraph (3) to read as follows: "In the event official records of the requirements of purveyors of meals under Ration Order No. 16 for the period designated are not available, an estimate of such requirements based upon a survey of purveyors of meals within the area may be substituted therefor."
- 2. Subparagraph 1 of section 12 (b) is amended to read as follows:
- (1) The boning and/or rolling of any rib roast of beef other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned and/or rolled.
- 3. Subparagraph 2 of section 12 (b) is amended to read as follows:
- (2) The boning and/or rolling of any short loin of beef, other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular short loin which is to be boned and/or rolled.
- 4. Section 20 (a) (3) is amended by the addition of item (iv) to read as follows:
- (iv) Short loin (boneless, rolled—Utility and cutter and canner grade beef). Boneless and rolled short loin roast refers to the boneless meat of the primal short loins of utility and cutter and canner grades of beef. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled short loin roast is weighed or sold. The tenderloin from the short loin must not be removed and sold separately. The boneless short loin including the tenderloin must be rolled and tied.
- 5. Section 20 (a) (5) is amended by the addition of item (vi) to read as follows:
- (vi) Rib roast (boneless, rolled—utility and cutter and canner grade beef only).

¹9 F.R. 5504, 8794, 10585.

Boneless and rolled rib roast refers to the boneless meat of the primal 10" rib roast of utility and cutter and canner grades of beef only. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled rib roast is weighed or sold. The boneless rib must be rolled and tied.

6. Part II of each of the following sections is amended by the addition of two items to read as follows:

•	Grado				
	AA or Choice	A or Good	B or Com- mercial	O or Utility	D or cut- ters and canners
Section 22 (a) (II): 10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 22 (b) (II):	Cents per pound	Cents per pound	Cents per pound	Cents per pound 37 47	Cents per pound 37 47
10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 22 (b) (1) (II):				32 41	32 41
Bib roast (boneless, rolled) Short loin (boneless, rolled) Section 22 (c) (II): 10. Rib roast (boneless, rolled)				31 43 34	81 43
11. Short loin (boneless, rolled)				45	81 40

7. Item 10 of Part III of section 22 (c) is amended to read as follows:

	Grado							
	AA or Choice	A or Good	B or Com- mercial	O or Utility	D or Cut- ters and Canners			
10. Heel of round (boneless)	Cents per pound 33	Cents per pound 31	Cents per pound 21	Cents per pound 23	Cents per pound 10			

8. Part II of each of the following sections is amended by the addition of two items to read as follows:

	Grade					
	AA or Choice	A or Good	B or Com- mercial	C or Utility	D or Cut- ters and Canners	
Section 22 (d) (II):	Cents per pound	nound !	nound !	Cents per	pound	
10. Rib-roast (boneless, rolled) 11. Short loin (boneless, rolled)	*********		*********	31 43	31 43	
Section 22 (d) (1) (II): Rib roast (boneless, rolled) Short loin (boneless, rolled) Section 22 (e) (II):			********	80 42	30 42	
10. Rib roast (boneless, rolled)				32 43	32 43	
Section 22 (f) (II): 10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 22 (f) (1) (II): Rib roast (boneless, rolled) Short loin (boneless, rolled) Section 22 (g) (II):				30 42	30 42	
Rib rosst (boncless, rolled) Short Join (boncless, rolled) Section 22 (g) (II):				28 40	23 40	
Section 22 (g) (II): 10. Rib roast (honeless, rolled) 11. Short loin (honeless, rolled) Section 22 (h) (II): 10. Rib roast (honeless, rolled) 11. Short loin (honeless, rolled) Section 22 (h) (III):				32 43	32 43	
10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 2: (b) (1) (TV				80 42	30 42	
11. Short ioin (boneless, rolled) Section 22 (b) (i) (II): Rib roast (boneless, rolled) Short loin (boneless, rolled) Section 22 (i) (II): 10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 22 (j) (II):				28 40	29 40	
10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 22 (j) (II):				81 41	31 41	
10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled)				80 42	30 42	
Rib roast (boneless, rolled) Short loin (boneless, rolled)			********	28 40	23 40	
Section 22 (k) (II): 10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Section 22 (I) (II): 10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) 12. Short loin (boneless, rolled) Section 22 (I) (I) (II):			*********	34 44	31 41	
10. Rib roast (boneless, rolled) 11. Short loin (boneless, rolled) Retion 2 (L) (1) (1)				31 42	31 42	
Section 22 (L) (1) (II): Rib roast (boneless, rolled) Short loin (boneless, rolled)				30 40	30	

^{*}Copies may be obtained from the Office of Price Administration.

	D or eut- tors and cannors	Conta pa vound 20 30 33 33 34 35 36 36 36 36 36 36 36 36 36 36 36 36 36	regoing 1 prices, e effectives, rator. Trator. Canner of the amendation of the sector of the secto	\$0.2111 83, 046,
	O or Utility	Cents per pound pound pound 30 30 30 30 30 30 30 30 30 30 30 30 30		3, 9 F.R. 11
Grade	B or Com- morelal	Cents per pound	tices are not named in the foble are not subject to maximum This amendment shall becom to October 9, 1944. Issued this 4th day of Octobe Grester Bown Administ Approved: September 27, 1944. MANVIN JONES, War Food Administrator. TR. Doc. 44-14369; Filed, Oct. 11:18 a. m.] INTRA AND FISH PRODUCES INTRA AND FISH PRODUCES INTROSEN FISH AND SEATOOD A Statement of the consideration of the septemble of the consideration of the fisher of the septemble of the fisher of the septemble of the fisher of the respective of the fisher of the fisher of the following respective of the table of base prices on 13 Schedule 27 is amended follows: 10 of processing	All efecs
	A or Good	Conts per pound	as are not nans are not nans are not nans are not nans are not subject of the sub	
-	AA or Cholco	Cents per pound	prices are not named it table are not subject to make the control of the Cotober 9, 1944. Issued this 4th day of Chest Approved: September? Manvin Jones, War Food Administ Fr. R. Doo. 44-14366; Fill II.18 c. m. Part 1364—Fresh, Cum Nier And Fiest Flura And Fiest Flura And Frest Flura And Frest Flura And Frest Flura A statement of the convolved in the fissuence herewith and bled with the Federal Register. Maximum Price Regulation 11. In the table of bastion 13 Schedule 27 is a say of processing Siyle of processing Signapprint Company Chemical C	Filletsrrice Admini 2702, 14079,
			effective 1944. LES, rator. 4, 1944; HER DAY lons in- midment he Divi- c Regu- olowing radding radding s of all ns that y of the radding	1 F
-		Section 30 (f) (II); Jo. Rib roast (tonneless, rolled) Section 30 (f) (II); Jo. Rib roast (tonneless, rolled) Section 30 (f) (II); Jo. Rib roast (tonneless, rolled)	nendment shall become of 1944. this 4th day of October Administ Administ Administ Oct. 44-15357; Filed, Oct. 11:18 a. m.] 351—Food and Food Proced Rev. MPR 270; Amdt. 5; ED BRAYS AND CERANN OT FOOD CONTRODITIES STOND OCHANN OT FOOD CONTRODITIES STOND OF THE ESUANCE OF THIS AMERICAN OF FECTOR AND THE ACTOR OF THE STAND OF THE ACTOR OF THE A	27 Reseash (Sebastes marinus) 19 1 Fillets All sizes \$0.235 **Copies may be obtained from the Office of Price Administration. 10 F.R. 9201, 10876. 10876, 12023, 12023, 12023, 12020, 12020, 12021, 15662, 16096, 0 F.R. 163, 046, 2023, 3888, 3469, 3424, 4183, 4060, 5163, 7420.
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		Section 30 Section 30 10, Rith 10, Rith 10, Rith 11, Sho 10, Rith 11, Sho 10, Rith 11, Sho 10, Rith 11, Sho	This amendm October 9, 1944 Issued this 44 Issued this 44 Is. R. Doc. 44 Is a Rev. Is a Rev. Is a Revision of the Fed Scond Revision of the Fe	**Copt 10 F.F. 2023, 331
	D or cut- tors and cannors		This are October 6 2	
	O or D or cut- ters and cannors	Cents per pound 34 45 45 45 45 45 45 45 45 45 45 45 45 45		8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
Grado		Cents per pound 34 5 45 45 45 45 45 45 45 45 45 45 45 45	#4 85 84 85 85 85 82 82 82 82 82 82 82 82 88 88 88 88 88	48 83 83 83 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
Grado	O or Utility	Cents per Pound Po	### ### ### ### ### ### ### ### ### ##	75
Grado	B or Com- Cor mercial Utility	Cents per Pound pound pound pound pound pound 45 95 95 95 95 95 95 95 95 95 95 95 95 95	### ### ### ### ### ### ### ### ### ##	75

- 2. Footnote 12 is added at the end of the table of base prices in section 13 to read as follows:
- ²² A processor shall not sell rosefish fillets on the basis of the listed prices until he will have sold, at or below a price based on the prior price of 22 cents per pound, an amount equal to that part of his October 1, 1944 inventory which was not sold before October 3, 1944.

This amendment shall become effective October 3, 1944.

Issued this 3d day of October 1944.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 44-15329; Filed, Oct. 3, 1944; 4:37 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,1 Amdt. 22]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Footnote 6 (applicable to frozen Canadian lake fish in Schedules 70-77, inclusive) at the end of the table of base prices in section 13 is amended by adding the following paragraph:

For sales in the months of April through November, ¼ cent per month may be added to the base prices as follows:

Addition to the base prices in Schedules 70-77 inclusive

, , , , , , , , , , , , , , , , , , , ,	ents
Month:	ents
Anuli	1/4
7/07	- 72
71100	74
71	1
August	11/4
August	11%
September	134
October	174
November	z
	12

This amendment shall become effective October 3, 1944.

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15330; Filed, Oct. 3, 1944; 4:37 p. m.]

PART 1364—Fresh, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 394,2 Amdt. 8]

RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

18 F.R. 4640, 5566, 7592, 11175, 12023, 12446, 12792, 14079, 15191, 15662, 16998; 9 F.R. 183, 946, 2023, 3388, 3459, 3424, 4182, 4650, 5163, 7420.

*8 F.R. 6364, 6548, 6618, 7200, 7692, 11297, 12621, 15609; 9 F.R. 8323, 10588.

Maximum Price Regulation No. 394 is amended in the following respects:

1. Section 5 (c) is amended by the addition of a sentence at the end of the second unnumbered paragraph following subparagraph (3) to read as follows: "In the event official records of the requirements of purveyors of meals under Ration Order No. 16 for the period designated are not available, an estimate of such requirements based upon a survey of purveyors of meals within the area may be substituted therefor."

2. Subparagraph (1) of section 12 (b) is amended to read as follows:

- (1) The boning and/or rolling of any rib roast of beef, other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned and/or rolled.
- 3. Section 16 (a) (1) is amended by the addition of Item (iv) to read as follows:
- (iv) Rib roast (boneless, rolled—utility and cutter and canner grade beef only). Boneless and rolled rib roast refers to the boneless meat of the primal 10" rib roast of utility and cutter and canner grades of kosher beef only. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled rib roast is weighed or sold. The boneless rib must be rolled and tied.
- 4. Item 3a under the product heading "Rib" of Part I of section 19 (a) is added to read as follows:

	Grade					
Cuts of meat	AA or Choice	A or Good	B or Com- mercial	C or Utility	u a	
8a. Rib roast (boneless, rolled)				44	44	

5. Item 3a under the product heading "Rib" of Part I of section 19 (b) is added to read as follows:

	Grade				
Cut of meat	A.A. or Oholee	A or Good	B or Com- mercial	C or Utility	Ω
ga. Rib roast (boneless, rolled)				42	42

6. Item 3a under the product heading "Rib" of Part I of section 19 (c) is added to read as follows:

Cut of meat	Grade				
- Cut'óf meat		A or Good	B or Com- morcial	C or Utility	Ω
3a. Rib roast (boneless, rolled).				41	41

7. Item 3a under the product heading "Rib" of Part I of section 19 (d) is added to read as follows:

ı	Grado)			
Cut of meat	AA or Cholco	A or Good	B or Com- mercial	C or Utility	Q		
Ba. Rib roast (boneless, rolled).				41	41		

8. Item 3a under the product heading "Rib" of Part I of section 19 (e) is added to read as follows:

	Grade					
Cut of meat	AA or Choico	A or Good	B or Com- mercial	C or Utility	α	
3a. Rib roast (boneless, rolled).				41	41	

9. Item 3a under the product heading "Rib" of Part I of section 19 (f) is added to read as follows:

0		(Irado)	
Cut of meat	AA or Choico	A or Good	B or Com- mercial	C or Utility	α
3a. Rib roast (boneless, rolled).				42	42

10. Item 3a under the product heading "Rib" of Part I of section 19 (g) is added to read as follows:

			G	irado		
0	Cut of meat	AA or Cholco	A or Good	B or Com- merkal	C or Utility.	Ω
3a. I	Rib roast (boneless, rolled).				42	47

11. Item 3a under the product heading "Rib" of Part I of section 19 (h) is added to read as follows:

	Grade					
Cut of meat	AA or Choice	A or Good	B or Com- mercial	C or Utility	Ω	
8a. Ribroast (boneless, rolled)				42	42	

12. Item 3a under the product heading "Rib" of Part I of section 19 (i) is added to read as follows:

			irade)	
• Cut of meat	AA or Choice	A or Good	B or Com- mercial	C or Utility	α
8a. Ribroast (boneless, rolled)				42	,42

13. Item 3a under the product heading "Rib" of Part I of section 19 (j) is added to read as follows:

		(Grad	3	_
Cut of meat	AA or Choice	A or Good	B or Com- mercial	O or Utility	Q
3a. Rib roast (boneless, rolled)				44	44

14. Item 3a under the product heading "Rib" of Part I of section 19 (k) is added to read as follows:

	/ Grade				
Cut of meat	AA or Oholco	A or Good	B or Com- mercial	O or Utility	А
3a. Rib roast (boneless, rolled)				47	47

15. Item 3a under the product heading "Rib" of Part I of section 19 (1) is added to read as follows:

	<u> </u>	•	Grade	•	
Cut of meat	AA or Choice	A or Good	B or Com-	O or Utility	А
3a. Ribroast (boneless, rolled)				44	44

16. Section 24 is amended by adding a caption and notes preceding paragraph (a) to read as follows:

Sec. 24. Retail ceiling prices on specially authorized sales to kosher eating places or other kosher retailers. The boundaries of the zones referred to subsequently in this section are those of the zones correspondingly numbered and defined in section 19 of this regulation. The schedules of prices set forth subsequently in this section 24 are subject to the conditions contained in Notes 1 to 3, inclusive.

Note 1. Ground meat. (a) The retailer must not sell any ground meat, unless it is ground beef, ground veal or ground lamb as defined in section 16 of the kosher beef, veal, lamb and mutton retail regulation, and he must not sell such ground meat at prices higher than those listed below.

(b) Except as provided in section 5 (e), if a customer buys any retail cut of kosher meat and wants it ground, the retailer may grind that cut of meat for the customer, only if the grinding is done in a manner so that the customer can observe it. Compliance with this observation requirement may be secured by either of the following methods:

(1) The grinding operation may be performed at the meat counter.

(2) The grinding operation may be performed in the refirigerator: Provided, That the meat is shown to the customer immediately before and after grinding, and the right to observe the grinding operation is

granted to every customer requesting such grinding and printed notice of such right is posted in two or more conspicuous places at the meat counter. Such notice chall consist of letters one inch high and shall be in the following form:

"Meat grinding equipment kept under refrigeration. We invite you to watch the grinding of your meat. OPA grants you this right. Ask the clerk."

No addition may be charged the customer for the grinding.

(c) The kecher retailer shall not have in his store or cooler any ground hecher meat except ground kesher heef, ground kesher veal or ground kesher lamb, or kesher meat which has been bought by a customer and ground at the customer's request and which is wrapped and marked with that customer's name, or which has been prepared, wrapped and marked with the customer's name as a result of a telephone order, if the retailer is authorized to fill such telephone orders under section 5 (e).

Nore 2. Cube steaks. (a) The keeper retailer is not permitted to pre-cube steaks from any wholesale or retail cut of keeper beef.

(b) Except as provided in section 5 (e), if a customer buys any retail cut of kesher meat and wants it cubed, the retailer may cube that cut of meat for the customer only if the cubing is done in a manner so that the customer can observe it and no addition is charged the customer for the cubing.

tomer can observe it and no addition is charged the customer for the cubing.

Note 3. Yearling lamb. The ceiling prices for yearling lamb cuts of the different grades are lower than the ceiling prices for lamb listed below. The retailer must not cell retail yearling lamb cuts of choice grade at a higher price than the ceiling price for the corresponding retail lamb cut of good grade; he must not cell retail yearling lamb cuts of good grade at a higher price than the ceiling price for the corresponding retail lamb cut of commercial grade; and he must not cell retail yearling lamb cuts of commercial, utility and cull grades at a higher price than the ceiling price for the corresponding retail lamb cut of utility grade.

17. Item 3a under the product heading "Rib" of Part I of section 24 (a) is added to read as follows:

	Grade					
o	Cut of meat	AA or Cholee	A or Good	n or Com- mercial	O er Villity	Ω
30. F	tibroast (boneless, rolled)				32	32

18. Item 3a under the product heading "Rib" of Part I of section 24 (b) is added to read as follows:

			Grad	9	
Cut of meat	A.A or Choice	A or Good	B or Com- merical	O er Tuilty	Ω
3a. Ribroast (boneless, rolled)				31	31

19. Item 3a under the product heading "Rib" of Part I of section 24 (c) is added to read as follows:

		(Grad.	э	
Cut of meat	AA er Chofeo	A or Good	nor Com-	O or Utility	a
Ca. Ribreaus (tonelurs, rolled)			-	ន	23

20. Item 3a under the product heading "Rib" of Part I of section 24 (d) is added to read as follows:

		(Grai	•	
Cut of meat	AA or Choice	A or Good	B or Com- merelal	C or Utility	Q
Za. Ribreast (boneless, rolled)	<u> </u>			23	23

21. Item 3a under the product heading "Rib" of Part I of section 24 (e) is added to read as follows:

			Grad.	3	
Cut of meat	A.A. or Choice	A or Good	18 or Com- meredal	C or Utility	D
fa. Rib reast (tonsless, rolled)				20	20

22. Item 3a under the product heading "Rib" of Part I of section 24 (f) is added to read as follows:

		4	Grad	2	
Cut of meat	AA or Choles	A or Good	B or Com- merical	O or Utility	Q
Ca. Rib reast (bonelow, rolled)	-		-	20	20

23. Item 3a under the product heading "Rib" of Part I of section 24 (g) is added to read as follows:

		•	Gred	3	
Cut of meat	AA or Chofce	A or Good	Is or Com- merelal	O or Utility	a
Za. Rib reast (boneless, rolled)			_	31	31

24. Item 3a under the product heading "Rib" of Part I of section 24 (h) is added to read as follows:

		•	Grad	Ą	
Cut of meat	A.A. or Choice	A or Good	B or Com- mercial	C or Utility	A.
2a. Rib roast (boneless, rolled)				31	31

25. Item 3a under the product heading "Rib" of Part I of section 24 (i) is added to read as follows:

,		Grade				
Out of meat	AA or Choico	A or Good	B or Com- mercial	C or Utility	Ω	
8a. Rib roast (boneless, rolled)				31	31	

26. Item 3a under the product heading "Rib" of Part I of section 24 (j) is added to read as follows:

	Grade				
Cut of meat	AA or Choice	A or Good .	B or Com- merical	O or Utility	А
2a. Rib roast (boneless, rolled)				34	34

27. Item 3a under the product heading "Rib" of Part I of section 24 (k) is added to read as follows:

		Grade				
Cut of meat	AA or Choice	A or Good	B or Com- mercial	O or Utility	Д	
8a. Rib roast (boneless, rolled).				31	81	

28. Item 3a under the product heading "Rib" of Part I of section 24 (1) is added to read as follows:

	Grade			•	
Out of meat	AA or Cholco	A or Good	B or Com- mercial	C or Utility	ρ
Ea. Rib roast (boneless, rolled).				32	82

This Amendment No. 8 shall become effective October 9, 1944.

Issued this 4th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15358; Filed, Oct. 4, 1944; 11:16 a, m.]

PART 1366—Used Consumer Durable

[MPR 516, Amdt. 3]

USED PHOTOGRAPHIC EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 516 is amended in the following respects:

(a) Section 10 is amended to read as follows:

Sec. 10. Tagging. If you are a dealer in photographic equipment, you may not sell or display for sale any item of used photographic equipment for which a maximum price of \$5.00 or more is established by this regulation, unless the appropriate tag or label described below is attached. A consumer selling his own used photographic equipment need not tag such items. The tag or label must not be removed before delivery to the purchaser. The tag shall be a durable one and contain in easily readable writing a statement in the following form, with the blanks properly filled in:

Name of Article______
Lens_____
OPA Retail Celling Price_____
Selling Price_____

DO NOT DETACH

This amendment shall become effective October 9, 1944.

Issued this 4th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15359; Filed, Oct. 4, 1944; 11:18 a. m.]

PART 1388—DEFENSE-RENTAL AREAS [Housing, Incl. Amdts. 1-34, Correction]

Schedule A of the Rent Regulation for Housing is corrected in the following respects:

1. In item 78, the word "Chathan" is corrected to read "Chatham."

2. In item 164, the word "Munroe" is corrected to read "Monroe."

3. In item 272, the maximum rent date "March 1, 1943" is corrected to read "March 1, 1942" for the County of Elk and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township, and the County of Clinton.

4. In item 306, the word "Comache" is corrected to read "Comanche."

5. In item 352, the effective date of regulation "July 1, 1942" is corrected to read "June 1, 1942."

19 F.R. 11335.

6. In item 355, the effective date of regulation "August 1, 1942" is corrected to read "August 1, 1943" for the Magisterial District of Pocatalico in Putnam County.

Issued and effective this 4th day of October 1944.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 44-15360; Filed, Oct. 4, 1944; 11:18 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [GMPR for Hawaii, Amdt. 6]

EXCEPTIONS OF COMMODÍTIES AND TRANSACTIONS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 10 is amended to read as follows:

Sec. 10. Commodities excepted from this General Maximum Price Regulation for the Territory of Hawaii. The provisions of this General Maximum Price Regulation for the Territory of Hawaii shall not apply to such sales and deliveries of commodities as may be specified by Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, or by any amendment thereto.

This amendment shall become effective as of September 21, 1944.

Issued this 4th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16361; Filed, Oct. 4, 1944; 11:16 a. m.]

PART 1499—Commodities and Services [Rev. SR 14 to GMPR, Amdt. 177]

CINCHONA ALKALOIDS AND THEIR SALTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.29 is added to read as fol-

Sec. 4.29 Sales of cinchona alkaloids and their salts by Defense Supplies Corporation—(a) Maximum prices. Maximum prices for sales of cinchona alkaloids and their salts by Defense Supplies Corporation shall be as follows:

(1) Sales to the U.S. government, or any foreign government, or any agency of one or more of these governments, or to industrial users for use in fulfilling contracts with any of the above:

^{*}Copies may be obtained from the Office of Price Administration.

¹8 F.R. 5307, 6362, 14765, 15586; 9 F.R. 579, 4239, 6238, 6817.

	Maximum			
Commodity:	price	per oz.		
 Quinine 	sulfate	81.43		
	hydrochloride	1.66		
2 Oninina		1 20		

Maximum prices in line with the above prices for sales to the above purchasers of other cinchona alkaloids or salts may be established by order of the Administrator upon application by Defense Supplies Corporation.

(2) Sales to other industrial users and primary distributors:

	Maximum pr	ice per ounce	
Commodity	To industrial users and drug whole- -salers	To primary	
Quinine: Alkaloid Hydrochloride Sulfate Dihydrochloride Bisulfate Quinidine: Alkaloid (powder) Alkaloid (crystal) Sulfate Cinchonine: Alkaloid (powder) Alkaloid (crystal): Sulfate Hydrochloride Cinchonidine: Alkaloid (crystal): Sulfate Hydrochloride Cinchonidine: Alkaloid (powder) Aklaloid (powder) Aklaloid (crystal): Sulfate	\$0, 975	\$0.853 .783 .704 .871 .643 1.092 1.046 .779 .626 .641 .456 .556	

(b) Definition. "Primary distributor" means one of the following persons purchasing for resale:

Mallinckrodt Chemical Works.

- Merck and Company, Inc.
- S. B. Penick & Co.

The New York Quinine Chemical Works, Inc.

This amendment shall become effective October 3, 1944.

Issued this 3d day of October 1944.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 44-15331; Filed, Oct. 3, 1944; 4:38 p. m.]

TITLE 33—NAVIGATION AND NAVI-GABLE WATERS

Chapter I-Coast Guard, Department of the Navy

[Gen. License 4]

PART-6—SECURITY OF PORTS AND CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

OPERATION OF PLEASURE BOATS IN GULF OF MEXICO AND ATLANTIC OCEAN

Pursuant to the authority vested in the Commandant of the Coast Guard by § 6.18 of the regulations contained in this part, and finding that it would not be inimical to the national war effort or to

the safety and protection of vessels or the territorial waters, a general license is issued as follows:

§ 6.203 General License No. 4. All pleasure vessels which are now in or may hereafter enter local waters of the Seventh and Eighth Naval Districts are hereby generally licensed to depart from such local waters, to operate in the waters of the Gulf of Mexico or Atlantic Ocean subject to the following terms and conditions:

(a) No pleasure vessels coming within terms of this general license shall depart from local waters without having first obtained a departure permit (Form NAVCG 2721) from the U. S. Coast Guard Captain of the Port. Issuance of such permit shall rest within the discretion of the Captain of the Port. Departure permit shall be subject to terms and conditions of § 6.17 and such further restrictions the Captain of the Port may see fit to require.

(b) No pleasure vessels shall remain beyond local waters during the hours be-

tween sunset and sunrise.

(c) No vessel departing from local waters pursuant to this general license shall enter a port other than the one from which such vessel departed unless prior specific permission to enter another port has been granted by the Captain of the Port.

(d) No vessel shall depart from or return to local waters, pursuant to this general license, except by way of such specific inlets as are designated and approved by the Captain of the Port.

(e) No vessel shall depart from local waters pursuant to this general license unless the master or operator thereof has ascertained the exact location of and regulations governing all restricted areas in the surrounding waters. Strict observance of such regulations is required.

(f) All persons on board vessels covered by this general license shall have in their possession a Coast Guard Identification card or other means of identification acceptable to the Captain of the Port.

(g) This general license may be revoked by the Commandant of the Coast Guard whenever he finds its continuance in force would be inimical to the war effort or to the safety and protection of vessels and the navigable waters of the United States.

(h) The Commandant of the Coast Guard may in his discretion exclude individual vessels from this general license upon notification to the owner, master or operator thereof.

(1) The issuance of this general license does not in any manner relieve any vessel covered thereby or its owners, masters, or operators from compliance with the provisions of any other applicable law or regulation.

R. R. WAESCHE, Commandant.

OCTOBER 3, 1944.

[F. R. Doo. 44-15334; Filed, Oct. 4, 1944; 8:65 a. m.]

TITLE 33—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I-Veterans' Administration

PART 36—REGULATIONS UNDER SERVICE-MEN'S READJUSTMENT ACT OF 1944

READJUSTMENT ALLOWANCES

Sec.

38.523 Determination of entitlement to readjustment allowances.

36.524 Computation of number of weeks of readjustment allowances.

Authority: \$\$ 86.523 and 86.524 issued under 53 Stat. 234.

§ 36.523 Determination of entitlement to readjustment allowances. For the purpose of determining entitlement to readjustment allowances under section 700, Public No. 346, 78th Congress, a veteran must have been discharged or released from active service under conditions other than dishonorable after ninety days or more of active service, or by reason of an injury or disability incurred in line of duty, and must have served after September 16, 1940, and prior to the termination of the war. This means that in determining eligibility under section 700, the fact that the major portion of the active service covered a period prior to September 16, 1940, or subsequent to the termination of the war, is not material.

§ 36.524 Computation of number of weeks of readjustment allowances. For the purpose of computing the number of weeks of readjustment allowances under section 900 (b) of the act, only periods of active service after September 16, 1940, and prior to the termination of the war will be taken into account; thus, a veteran whose active service covered the period March 14, 1940, to October 15, 1940, would be entitled to eight weeks of readjustment allowances; but a veteran who served for a period of ninety days or more ending September 28, 1940, would have eligibility for benefits under Title V, but have no entitlement to readjustment allowance since his active service after September 16, 1940, was less than the major portion of a month.

[SEAL]

FRANK T. HINES, Administrator.

SEPTEMBER 29, 1944.

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[F. R. Doc. 44-15335; Filed, Oct. 4, 1944; 10:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 189]

PART 95-CAR SERVICE

DELIURRAGE CHARGES ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of October, A. D. 1944.

It appearing, that refrigerator cars are being delayed unduly in loading and unloading, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic. It is ordered, that:

Demurrage charges on refrigerator cars. (a) After the expiration of the free time allowed by tariffs lawfully on file with this Commission, the demurrage charges on a refrigerator car held for loading or unloading which is not loaded or unloaded within the free time shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; \$22 per car per day or a fraction thereof for the fifth day; and \$44 per car per day or a fraction thereof for the fifth day; and \$44 per car per day or a fraction thereof for each succeeding day.

(b) Application—(1) Average agreements. Detention occurring on and after the effective date of this order on all refrigerator cars held for loading or unloading shall not be included in, or computed on the basis of, any average agreement, but, except as otherwise provided in this order or in the orders set forth in paragraph (b) (3), said refrigerator cars shall otherwise be subject to the car demurrage rules and charges set forth in tariffs lawfully on file with this Commission.

(2) Intrastate. The provisions of this order shall apply to intrastate as well as interstate traffic.

(3) Service orders. The provisions of this order shall not be construed to affect the provisions of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) or Service Order No. 70-A (8 F.R. 14624-25) of October 22, 1943, or Revised Service Order No. 112 (9 F.R. 11278-79) of September 11, 1944, or Service Order No. 135 (8 F.R. 9569) as amended (8 F.R. 10941). The provisions of this order shall not apply to detention on refrigerator cars held for loading or unloading pursuant to the provisions of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100-01; 8 F.R. 17428; 9 F.R. 947).

(4) Domestic and transshipments. Except as provided in paragraph (b) (3) on and after the effective date of this order the provisions of this order shall apply to detention to any refrigerator car held for loading or unloading at any inland point or at any port, whether for domestic loading or unloading or for transshipment by water. The number of days a refrigerator car has been held prior to the effective date of this order shall determine the charges applicable on that refrigerator car on the first full demurrage day and all subsequent demurrage days occurring after the effective date of this order.

(5) Demurrage charges substituted for charges for storage of freight in refrigerator cars. (i) The operation of all tariff rules, regulations, and charges for stor-

age of freight in refrigerator cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as inconsistent with this order.

(ii) In lieu of the charges for storage of freight in refrigerator cars at or short of ports suspended in subparagraph (5) (i) above, the applicable charges for detention of refrigerator cars held at or short of ports for unloading freight consigned or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraph (a) of this order.

(c) Tariff provisions suspended. The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(d) Announcement of suspension. Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)—(17))

It is further ordered, that this order shall become effective at 7:00 a.m., October 4, 1944, and shall vacate and supersede Service Order No. 180 and all amendments thereto on the effective date hereof; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. -44-15364; Filed, Oct. 4, 1944; 11:33 a. m.]

[S. O. 240]

PART 95-CAR SERVICE

RESTRICTION ON RECONSIGNMENT AND DIVERSION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of October, A. D. 1944.

It appearing, that potatoes, other than sweet, loaded in refrigerator cars are being reconsigned or diverted excessively, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic. It is ordered, that:

Potatoes other than sweet—(a) Restrictions on reconsignment and diversion. No common carrier by railroad subject to the Interstate Commerce Act shall allow or permit any refrigerator car loaded with potatoes, other than sweet,

(i) To be reconsigned or diverted more than two (2) times before arrival at destination (or switching limits thereof), or

(ii) To have at destination, (or within the switching limits thereof) more than (1) change in the name of consignor or consignee; more than one (1) change in place of unloading, or both if included in a single order.

(b) Exception. A change in the name of consignor or consignee enroute without a change in the route or destination

of the car

(c) Service orders. (1) The operation of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) insofar as it applies to any refrigerator car loaded with potatoes, other than sweet, is hereby suspended. (2) The provisions of this order shall not be construed to affect the provisions of Service Order No. 70-A (8 F.R. 14624-25) of October 22, 1943, or Revised Service Order No. 112 (9 F.R. 11278-79) of September 11, 1944.

(d) Application. (1) The provisions of this order shall apply to intrastate commerce as well as to interstate commerce. (2) The provisions of this order shall apply only to shipments originating on or after the effective date of this order except that where a shipment has been unloaded under a transit arrangement the provisions of this order shall apply to such a shipment if loaded at the transit point on or after the effective date of this order.

(e) Tariff provisions suspended. The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby

suspended.

(f) Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that this order shall become effective at 12:01 a. m., October 4, 1944; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 8,

[SEAL]

W. P. Bartel, Secretary.

[F. R. Doc. 44-15365; Filed, Oct. 6, 1944t 11:33 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

I. E. RIDDLE CO.

ORDER REVOKING LICENSES, DIRECTING SUR-RENDER AND REQUIRING RECORDS TO BE FURNISHED

To: I. E. Riddle, I. E. Riddle Co., 432 North First West, Cedar City, Utah. Based upon the records in this matter, including your answer, I make the following findings of fact:

1. On August 25, 1944, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, of which you were accused, was mailed to you giving you notice to mail an answer within 15 days from August 25, 1944, answering the charges against you and requesting an oral hearing if you wished.

2. Your answer, dated September 9, 1944, was received on September 16, 1944, and has been considered. No other communication has been received from you. You have not requested an oral hearing.

3. You sold explosives to the persons and at the times set out in the specification of charges against you. The purchasers were not licensed under the act at the times of the sales. You thereby violated section 2 of the act.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, October 14. 1944.

2. That prior to midnight, October 14, 1944, you shall sell or otherwise dispose of to properly licensed persons or destroy all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody.

3. That after having sold or otherwise disposed of or destroyed all of the explosives and ingredients of explosives, as required by paragraph 2 of this order, you shall, prior to midnight, October 14, 1944, deliver or mail to R. D. Reeder, Supervising Engineer, United States Bureau of Mines, 1600 East First South, Salt Lake City 1, Utah, a sworn statement of your transactions in and destructions of explosives and ingredients of explosives beginning with the date of this order and ending with the final sale or other disposition or destruction of the explosives and ingredients of explosives as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location on the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses of the persons to whom sold or otherwise disposed of, the numbers and dates of the Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind destroyed by you, the dates on which destroyed, and the places where destroyed.

4. That prior to midnight, October 14, 1944, you shall surrender all licenses issued to you under the Federal Explosives Act and all copies thereof by mailing or delivering them to R. D. Reeder, Supervising Engineer, United States Bureau of Mines, 1600 East First South, Salt Lake City 1. Utah.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than Five Thousand Dollars (\$5,000), or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 30th day of September 1944.

R. R. SAYERS, Director.

[F. R. Doc. 44-15345; Flied, Oct. 4, 1844; 11:00 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 35]

COAL MERCHANTS ASSOCIATION OF ALBANY, INC.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF THE WAR

In the matter of Coal Merchants Association of Albany, Inc., Albany, New York. (Case No. S-1342).

Pursuant to section 2 (b) (3) of the War Labor Disputes Act-(Pub. Law 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943 published in the Federal Register, August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local No. 294 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers' Union of America, and the concerns which are members of Coal Merchants Association of Albany, Inc., and are engaged in transportation of coal and other commodities in and around Albany, New York;

I find that the transportation of coal and other commodities by any such concern, pursuant to any contract whether or not with the United States, to or from any plant, mine or facility equipped for manufacturing, producing or mining any articles or materials which may be required or useful in connection with the

prosecution of the war, or to or from any establishment engaged in wholesaling or storing any such articles or materials, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 3d day of October 1944.

FRANCES PERKINS, Secretary of Labor.

[F. R. Doc. 44-15377; Filed, Oct. 4, 1944; 11:55 a. m.]

FEDERAL POWER COMMISSION.

CONSOLIDATED GAS UTILITIES CORP. [Docket Nos. G-560, G-562]

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 25, 1944.

Upon consideration of the following applications filed by Consolidated Gas Utilities Corporation (applicant) for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended;

(a) Application filed July 28, 1944, in Docket No. G-560 for authority to construct and operate an additional 400 horsepower compressor unit, and appurtenant equipment, at applicant's Pitsch compressor station located in Wheeler

County, Texas:

(b) Application filed July 31, 1944, in Docket No. G-562 for authority to construct and operate 2½ miles of 6%-inch O. D. pipe line in Cowley County, Kansas, extending in a generally northerly direction from the NE½ of the SW½ of Sec. 29, T. 34 S., R. 3 E. to connect with applicant's existing double 6-inch line extending from connections with its Wheeler County, Texas-Lyons, Kansas, pipe line to Winfield, Kansas, together with a measuring station to be located at the southern terminus of the line and other appurtenant equipment; and

It appearing to the Commission that good cause exists for consolidating the

above-entitled proceedings;

The Commission orders that:
(A) The above-entitled proceedings be and the same are hereby consolidated for the purpose of hearing;

(B) A public hearing be held commencing on October 20, 1944, at 10 a.m., in Room 527, Federal Building, Kansas City, Missouri, respecting the matters involved and the issues presented in such consolidated proceedings:

(C) Interested state commissions may participate in such hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural

Gas Act.

By the Commission.

[SEAL] I

Leon M. Fuquay, Secretary.

[F. R. Doc. 44-15344; Filed, Oct. 4, 1944; 11:00 a.m.]

FEDERAL TRADE COMMISSION.

[File No. 21-383]

HEARING AID INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 2d day of October, A. D. 1944.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations or other parties or groups affected by or having an interest in the proposed trade practice rules for the Hearing Aid Industry to present to the Commission their views concerning such rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon application to the Commission. Matters submitted in writing should be filed with the Commission not later than October 24, 1944. Opportunity for oral hearing and presentation will be afforded at 10 a. m., October 24, 1944, in room 532, Federal Trade Commission Building, Constitution Avenue at Sixth Street, N. W., Washington, D. C., to any such persons, partnerships, corporations, associations or other parties or groups as may desire to appear and be heard. After duly considering all matters presented concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL]

G

Otis B. Johnson, Secretary.

[F. R. Doc. 44-15337; Filed, Oct. 4, 1944; 10:25 a. m.]

[Docket No. 5113] JOSEPH SPERLING, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of October A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 11, 1944, at ten o'clock in the forenoon of that day (eastern standard time), Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed imme-

diately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-15338; Filed, Oct. 4, 1944; 10:25 a. m.]

[Docket No. 5169] 'HOLEPROOF HOSIERY Co.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of October A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That George Biddle, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 19, 1944, at ten o'clock in the forenoon of that day (central standard time), Office of the Assistant Custodian, room 222, Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary,

[F. R. Doc. 44-15339; Filed, Oct. 4, 1944; 10:25 a. m.]

[Docket No. 5226]

CELANESE CORPORATION OF AMERICA NOTICE OF HEARING

Complaint. The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsections (d) and (e) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

Count I. PARAGRAPH 1. Respondent Celanese Corporation of America is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 180 Madison Ayenue, New York, New York.

PAR. 2. Respondent is now and has been since June 19, 1936, engaged in the business of processing, manufacturing, selling and distributing cellulose acetate rayon yarns and cellulose acetate rayon fabrics manufactured and processed from the said yarns. The respondent is one of the largest producers and distributors of cellulose acetate rayon yarns and fabrics in the United States and occupies a dominant position in said industry. The cellulose acetate rayon yarns and cellulose acetate rayon fabrics manufactured and processed from said yarns are sold and distributed by said respondent under the registered trade-mark "Celanese." Said respondent operates and maintains plants for the manufacture of said yarns at Amcelle, near Cumberland, Maryland, and Celco, near Pearisburg, Virginia, and manufactures said fabrics at the Amcelle plant.

The yarns manufactured by the respondent are sold directly to "weavers" and "knitters" for processing by them into greige fabrics. The greige fabrics are then sold by such weavers and knitters to "converters", who dye and finish the greige materials. The finished, dyed fabrics are then resold by such converters principally to "garment or dress manufacturers". Respondent manufactures various fabrics from its processed yarns, and such manufactured fabrics are sold by it primarily to garment or dress manufacturers, although some sales are made to upholsterers, drapery manufacturers, and the "piece goods" departments of large "dry goods" stores.

The yarns and fabrics manufactured

The yarns and fabrics manufactured by the respondent and its customers are, after conversion into women's dresses and other women's wearing apparel, sold by such garment or dress manufacturers to single retail dress shops, multiple retail dress shops, department stores, and women's specialty stores. Such women's dresses and women's wearing apparel are resold by such retailers to the consuming public.

Respondent sells and distributes said products in commerce between and among the various states of the United States and in the District of Columbia. and, as a result of such sales, causes said products to be shipped and transported from its places of business to purchasers thereof who are located in various states of the United States. other than the O states in which respondent's places of business are located. There is and has been at all times mentioned herein a continuous course of trade and commerce in said products across state lines between respondent's factories and the purchasers of said products. Said products are sold and distributed for use and resale within the various states of the United States and in the District of Columbia.

The respondent's enterprise is one which is operated with the ultimate objective of marketing all its products through the various channels of distribution heretofore set forth to the consuming public in all parts of the United States.

Par. 3. In the course and conduct of its business as aforesaid, respondent is now, and during all the time herein mentioned has been, in competition with other corporations and with individuals, partnerships, and firms engaged in the business of manufacturing, selling, and distributing cellulose acetate rayon yarns and cellulose acetate rayon fabrics manufactured from such yarns in commerce.

Many of the respondent's weaving and knitting customers, converting customers, and garment or dress manufacturing customers and their retailer customers are competitively engaged with each other and with customers of the respondent's competitors in the resale of cellulose acetate rayon fabrics, or of women's dresses and women's wearing apparel manufactured from such fabrics, within the trading areas in which the respondent's said customers and their retailer customers respectively offer for sale and sell the said products purchased from the respondent or from its customers.

The respondent's entire plan of distribution, beginning with its sale of cellulose acetate rayon yarns to weavers and knitters, including the processing of such yarns into greige fabrics, the sale of such greige fabrics to "converters" for dyeing and finishing, the sale of such finished fabrics by converters to garment or dress manufacturers for conversion into women's dresses and women's wearing apparel, the sale of such women's dresses and women's wearing apparel by garment or dress manufacturers to retailers, and ending with the resale of such women's dresses and women's wearing apparel by such retailers to the consuming public, is an integrated whole, and the channels of distribution cannot be separated without effacing and destroying the final objective of the respondent which is to market its processed yarns to the consuming public in the form of women's dresses and women's wearing apparel under the registered trade-mark "Celanese". Respondent's customers are therefore "knitters", "converters" 'weavers'', "garment or dress manufacturers", and "retailers" and the transactions affected by or involved in the practices charged in this complaint as being unlawful are transactions between the respondent and such customers.

Par. 4. In the course and conduct of its business in commerce respondent since June 19, 1936, has secretly paid and agreed to pay to certain garment or dress manufacturers and to some of their retailer customers certain sums of money as compensation for and in consideration of advertising and promotional services furnished by them in connection with the sale and the offering for resale of cellulose acetate rayon fabrics converted into women's dresses and women's wearing apparel under the regis-

tered trade-mark "Celanese". The making of such payments was concealed by respondent from competitors of such favored garment or dress manufacturers and retailers. Respondent did not make such payments available on proportionally equal terms or on any terms to other garment or dress manufacturers and to their retailer customers who compete in the sale and distribution of women's dresses and women's wearing apparel made of cellulose acetate rayon fabrics under the registered trade-mark "Celanese".

The respondent arbitrarily classifies its customers on the basis of "prestige" and the respondent's judgment as to the degree of "prestige" such customers enjoy in the women's dress and women's wearing apparel industries in selecting which customers are to be favored with compensation for advertising and promotional services performed on behalf of the respondent. The respondent has paid to some of such favored garment or dress manufacturers or to their retailer customers varying amounts of money, ranging from \$60 to \$11,000 and over and ranging from approximately 25% to approximately 50% of the advertising cost expended by such garment or dress manufacturer customers and their retailer customers during a single year period for the advertising of women's dresses and women's wearing apparel made of "Celanese" fabrics.

PAR. 5. It has been the policy of respondent to conceal from all of its garment or dress manufacturing customers and all of their retail customer's except those favored by the respondent, the details of its agreements relating to compensation of garment or dress manufacturing customers and their retailer customers for services in connection with advertising and promotional facilities. Customers of the respondent and their retailer customers are denied knowledge of such allowances and compensation and the respondent does not and has not made it known to any customers except its favored ones and to their retailer customers that it pays compensation for advertising and promotional services in connection with the sale of women's dresses and women's wearing apparel to the consuming public. Respondent has resisted the extension of such allowances to some purchasers of cellulose acetate rayon fabrics and women's dresses and women's apparel made therefrom, even though such customers were willing to give advertising and promotional services to the respondent in connection with the sale of such commodities to the consuming public, for the reason that such non-favored customers dld not come within the respondent's classification of "prestige" customers.

Par. 6. The above-described acts and practices of the respondent are in violation of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act approved June 19, 1936 (U.S.C. Title 15, sec. 13).

Count II. PARAGRAPH 1. For its charges under this paragraph of this count the Commission relies upon the matters and things set out in paragraphs 1 to 3, inclu-

sive, of Count I of this complaint to the same extent and as though the allegations of said paragraphs 1 to 3, inclusive, of said Count I were here set out in full. Said paragraphs 1 to 3, inclusive, of said Count I are incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. Since June 19, 1936, in the course and conduct of its business described in paragraphs 1 to 3, inclusive, of Count I hereof, respondent has discriminated and is discriminating in favor of certain purchasers of cellulose acetate rayon yarns, cellulose acetate rayon fabrics, and women's dresses and women's wearing apparel processed therefrom, against other purchasers of such commodities bought for resale, by agreeing to furnish or furnishing or by contributing to the furnishing of services and facilities connected with the offering for sale of such commodities so purchased and by not according such services and facilities to all purchasers on proportionally equal terms.

PAR. 3. The respondent has entered into advertising and promotional arrangements with certain of its customers. among which are: Adler & Adler, Inc., of New York, New York; Davidow, Inc., of New York, New York; Kane-Weil, Inc., of New York, New York; Mutual-Rosenbloom Corp. of New York, New York; Zoltan Rosenberg, of New York, New York; Sam Steinberg & Co., Inc., of New York, New York; Murray Hamburger, Inc., of New York, New York; Jeannette Modes, Inc., of New York, New York; Kallman & Morris, Inc., of New York, New York; Peck & Peck, of New York, New York; Lord & Taylor, of New York, New York; Page Boy Company, of Dallas, Texas; Associated Merchandising Corp. of New York, New York: Saks Fifth Avenue, of New York, New York; Gorgeous Frocks, Inc., of New York, New York; and others. As a result of such arrangements, large sums of money have been expended by respondent since June 19, 1936, in cooperatively advertising with such purchasers the "Celanese" dresses and women's wearing apparel so purchased and the respondent has not accorded such services or facilities to other garment or dress manufacturers and retailers competitively engaged with the aforementioned purchasers on proportionately equal terms or on any terms.

PAR. 4. The aforesaid acts of respondent constitute a violation of the provisions of subsection (e) of section 2 of the Clayton Act as amended by the Robinson-Patman Act approved June 19, 1936 (U. S. C. Title 15, sec. 13).

Wherefore the premises considered, the Federal Trade Commission on this 26th day of September, A. D. 1944, issues its complaint against said respondent.

Notice. Notice is hereby given you, Celanese Corporation of America, a corporation, respondent herein, that the 3d day of November A. D. 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time

and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear 'at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that re-spondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule

In witness whereof, The Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 26th day of September A. D. 1944.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-15340; Filed. Oct. 4, 1944; - 10:26 a. m.]

INTERSTATE COMMERCE COMMIS-SION.

[S. O. 70-A, Special Permit 552]

RECONSIGNMENT OF ONIONS AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Omaha, Nebraska, September 30, 1944, by National Produce Company of car PFE 91292, onions, now on the Union Pacific Railroad to National Produce, Chicago, Illinois, via C&NW.

The waybill shall show reference to this

special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of September 1944.

> V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-15366; Filed, Oct. 4, 1944; 11:33 a. m.]

[S. O. 70-A, Special Permit 553]

RECONSIGNMENT OF PEACHES AT CHICAGO,

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 30, 1944, by Auster Company of car ART 21036, peaches, now on the Chicago and North Western Railroad (Morgan Street) to Cohen and Gordon, Madison, Wisconsin, via Illinois Central Railroad.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of September 1944.

> V. C. CLINGER. Director, Bureau of Service.

[F. R. Doc. 44-15367; Filed, Oct. 4, 1944; 11:33 a. m.]

[S. O. 70-A, Special Permit 554]

RECONSIGNMENT OF POTATOES AT CHICAGO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 30, 1944, by Bacon Bros. of cars of potatoes, now on the Chicago and North Western Railroad (Wood Street): FGE 51689 to Markman Produce Co., Dav-

enport, Iowa (CMSt.P&P).

PFE 40365 to Markman Produce Co., Pres-

ton, Iowa (CMSt.P&P).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of September 1944.

> V. C. CLINGER, Director Bureau of Service.

[F. R. Doc. 44-15368; Filed, Oct. 4, 1944; . 11:83 a. m.1

[S. O. 70-A, Special Permit 855]

RECONSIGNMENT OF MELONS AT CHICAGO. ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 29, 1944, by Pacific Fruit Express for Kavanagh Distributing Company of car SFRD 33280, melons, now on the Chicago, Burlington and Quincy Railroad, to Colley Woods Company, Boston, Massachusetts, because of a railroad error.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

> V. C. CLINGER, Director. Bureau of Service.

[F. R. Doc. 44-15369; Filed, Oct. 4, 1944; 11:33 a. m.]

[S. O. 70-A, Special Permit 556]

RECONSIGNMENT OF POTATOES AND ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 30, 1944, by Piowaty Bergart Company of cars of potatoes, now on the Wood Street Terminal:

MDT 19343 to Gilbert & Company, St. Louis, Missouri (Wab.); ART 16523 to Gilbert & Company, St. Louis,

Missouri (Wab.);

. MDT 5642 to R. H. Oswald Co., Evansville, Indiana (I. C.), also, the following car of onions, now on the Wood Street Terminal: PFE 15042 to Wm. Shapiro, New York, New York (P. R. R.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of September 1944.

V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-15370; Filed, Oct. 4, 1944; 11:34 a. m.]

[S. O. 200, Special Permit 173]

REICING OF POTATOES AT OGDEN, UTAH AND COUNCIL BLUFFS, IOWA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the reicing in transit of refrigerator cars, loaded with potatoes, shipped by George C. Burger, as fol-

PFE 15434, from Merrill, Oregon, September 27. 1944, to C. H. Robinson Company, Omaha, Nebraska (SP-UP), reice at Ogden, Utah;

PFE 44622, from Wccus, Oregon, September 27, 1944, to Market Dealers Service Company, Detroit, Michigan (SP-UP-Wab.), roice at Ogden, Utah and Council Bluffs, Iowa. The waybills shall show reference to this

special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per dlem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

> V. C. CLINGER, Director. Bureau of Service.

[F. R. Doc. 44-15371; Filed, Oct. 4, 1944; 11:34 a. m.]

[2d Rev. S. O. 224, Gen. Permit 2, Revocation] ICING OF FRUITS AND MILLONS AT ARIZONA OR CALIFORNIA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944 (9 F.R. 10429):

General Permit No. 2 under Second Revised Service Order No. 224, as amended, is hereby conceled effective at 12:01 a. m., October 2, 1944. This cancelation shall not affect cars moving under that general permit on the effective date hereof.

A copy of this revocation has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this revocation shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

> V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-15372; Filed, Oct. 4, 1944; 11:34 a. m.]

[2d Rev. S. O. 224, Gen. Permit 3, Revocation]

ICING OF PEACHES FROM UTAH

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944 (9 F.R. 10429):

General Permit No. 3 under Eccond Revised Service Order No. 224, as amended, is hereby canceled, effective at 12:01 a. m., October 2, 1944. This cancelation shall not affect cars moving under that general permit on the effective data hereof.

A copy of this revocation has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this revocation shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

> V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-15373; Filed, Oct. 4, 1944; 11:34 a. m.]

[2d Rev. S. O. 224, Gen. Permit 4, Revocation] REFRIGERATION OF PRUNES AT MILTON, OREG.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944 (9 F.R. 10429):

General Permit No. 4 under Second Revised Service Order No. 224 is hereby can-celed, effective at 12:01 a. m., October 2, 1944. This cancelation shall not affect cars moving under that general permit on the effective date hereof.

A copy of this revocation has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this revocation shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

> V. C. CLINGER, · Director, Bureau of Service.

[F. R. Doc. 44-15374; Filed, Oct. 4, 1944; 11:34 a. m.]

[2d Rev. S. O. 224, Gen. Permit 5, Revocation]

REIGHG OF HONEYDEW MELONS FROM HURON, CALIF.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944 (9 F.R.

General Permit No. 5 under Second Revised Ecrvice Order No. 224 is hereby canceled, effective at 12:01 a.m., October 2, 1944. This cancellation shall not affect cars moving under that general permit on the effective date hereof.

A copy of this revocation has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the Car service and per diem agreement under the terms of that agreement; and notice of this revocation shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15375; Filed, Oct. 4, 1944; 11:35 a. m.]

[2d Rev. S. O. 224, Gen. Permit 6]
ICING AND REICING OF FRUITS AND
VEGETABLES

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944, (9 F.R. 10429) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

Except as shown below, to disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the initial icing or releing of all refrigerator cars loaded with fruits or vegetables as defined therein.

with fruits or vegetables, as defined therein;
Exception: This general permit shall not apply to the first or initial leing of refrigerator cars loaded with potatoes originating at points located in Idaho Groups B or C, or in Oregon Group B, as defined in Items 1013 and 1043, respectively, of Perishable Protective Tariff No. 13, Agent J. J. Quinn's I. C. C, No. 22.

This general permit shall become effective at 12:01 a.m., October 2, 1944, and shall apply only to cars billed on and after that date.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15376; Filed, Oct. 4, 1944; 11:35 a. m.]

OFFICE OF DEFENSE TRANSPORTA-TION.

[Supp. Order ODT 3, Rev. 351]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN HENDER-SON AND WELDON, N. C.

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2, and

. It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such

application with all possible diligence. The coordination of operations directed by this order shall be subject to the ourriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

in accordance with the provisions of this

order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25. D. C.

This order shall become effective October 9, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 4th day of October 1944.

J. M. Johnson,
Director,
Office of Defense Transportation.
Appendix 1

R. G. Young, doing business as United Express Co., Henderson, N. C.

Carolina Transportation Co., (a corpora- o tion), Raleigh, N. C.

[F. R. Doc. 44-15320; Filed, Oct. 8, 1044; 1:50 p.m.]

[Supp. Order ODT 8, Rev. 352] COMMON CARRIERS

COORDINATED OPERATIONS DETWEEN TULSA AND OKLAHOMA CITY, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 5660, 14582; 9 F.R. 2793, 3264, 3357,

Filed as part of the original document.

6778), a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies. of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above rereferred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that

are in conflict therewith.

- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfuly permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed

pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of De-

fense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 9, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 4th day of October 1944.

> J. M. JOHNSON, Director. Office of Defense Transportation.

Tri-State Motor Transport, Inc., Fourth and Maiden Lane, Joplin, Mo.

Joe Hodges, doing business as Joe Hodges Transportation Co. and Jos Hodges Fireproof Warehouses, 802 East Archer Street, Tulsa, Okla.

[F. R. Doc. 44-15321; Filed, Oct. 8, 1944; 1:50 p. m.]

[Supp. Order ODT 3, Rev. 353]

COMMON CARRIERS

CCORDINATED OPERATIONS BETWEEN BALTI-More, MD., Washington, D. C., and points IN VIRGINIA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2, and
It appearing that the proposed coordi-

nation of operations is necessary in order

to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in

conflict therewith.

- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such di-
- version, exchange, pooling, or other act. 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto. such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating au-
- thority.
 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

¹ Filed as part of the original document.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this

order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 9. 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 4th day of October 1944.

J. M. Johnson, Director, Office of Defense Transportation. APPENDIX 1

Michael E. McKenney, doing business as Commercial Transfer Co., 32 East Montgomery St., Baltimore, Md.

Jos. M. Dignan, Sr., and Jos. M. Dignan, Jr., doing business as Jos. M. Dignan & Son, 106

Penn Street, Baltimore, Md.
The Fleet Transfer Co., (a corporation),
834 Key Highway, Baltimore, Md.
Kane Transfer Co. (a corporation), 2116 5th St., Washington, D. C.

Paul P. Braungart, doing business as Publix Ex Service, 415 S. Sharp St., Baltimore, Md.

[F. R. Doc. 44-15322; Filed, Oct. 8, 1944; 1:50 p. m.]

[Supp. Order ODT 3, Rev. 854]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NEW YORK CITY, ALBANY, AND STOTTVILLE,

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,2 and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall super-sede any provisions of such plan that

are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved. the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or

other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. " In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating author-

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department. Office of Defense Transportation, Washington 25,

This order shall become effective October 9, 1944, and shall remain in full forco and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 4th day of October 1944.

> J. M. Johnson, Director Office of Defense Transportation. APPUNDIX 1

Joseph B. Parker, Ghent, N. Y. Albert Holmes, doing business as H. & H. Transportation Lines, Stottville, N. Y.

[F. R. Doc. 44-15323; Filed, Oct. 3, 1944; 1:50 p. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders. [Roanoke Order G-2 Under MPR 426, Amut. 11

Fresh Fruits and Vegetables in Roanoke, VA., DISTRICT

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and under the authority vested in the District Director of the Roanoke (Virginia) District Office of the Office of Price Administration by Paragraph (f) (1) of Appendix H, paragraph (g) (1) of Appendix I, and the ultimate paragraph of section 2 (b) of Maximum Price Regulation No. 426, and Regional Delegation Orders Nos. 33 and 35, and for the reasons set forth in the accompanying opinion, section 1 of Order No. G-2 under Maximum Price

¹ Filed as part of the original document.

Regulation No. 426, as amended, is hereby amended to read as follows:

SECTION 1. What this order does. This order establishes a maximum delivery charge, as given below, for the delivery by any service wholesaler or secondary jobber located in the Roanoke District Office area, when delivering snap beans, peppers, egg plants, cucumbers, spinach, carrots, green peas, oranges, grapefruit, lemons, tangerines, cabbage, table grapes and lettuce to the promises of any purchaser located outside the free delivery zone of that service wholesaler or secondary jobber:

Per container of less than 40 pounds,

For containers of more than 60 pounds, gross weight______ 25

This amendment shall become effective August 19, 1944.

Issued at Roaneke, Virginia, this the 19th day of August 1944.

BERNARD C. GOODWIN,

District Director.

[F. R. Doc. 44-15317; Filed, Oct. 3, 1944; 12:53 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 70-970, 70-977]

METROPOLITAN EDISON Co., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of October 1944.

In the matters of Metropolitan Edison Company, File No. 70-970; The United Gas Improvement Company and Allentown-Bethlehem Gas Company, File No. 70-977.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Metropolitan Edison Company ("Metropolitan"), a subsidiary of NY PA NJ Utilities Company, a registered holding company, by The United Gas Improvement Company ("U. G. I."), a registered holding company, and by its subsidiary, Allentown-Bethlehem Gas Company ("Allentown").

All interested persons are referred to said filings, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Metropolitan proposes to sell all of its utility facilities relating to the manufacture, transmission, distribution and sale of gas located in Northampton and Berks Counties, Pennsylvania, to Allentown for a base price of \$1,345,000 in cash, subject to adjustments. Metropolitan also proposes to sell all of its utility facilities relating to the manufacture, transmission, distribution and sale of gas located in Lancaster County,

Pennsylvania, to The Harrisburg Gas Company, a subsidiary of U. G. I., for a base price of \$80,000 in cash, subject to adjustments. By the terms of the agreements of sale pertaining to the above transactions, each is expressly conditioned upon the performance of the other agreement.

Allentown proposes to issue and sell to its parent, U. G. I., 12,000 shares of its common capital stock, par value \$50 each, for \$600,000 in cash and its 4% Promissory Note in the principal amount of \$600,000 maturing five years after date of issue for \$600,000 cash, or an aggregate of \$1,200,000, which together with other available funds will be used to effectuate the above purchase by Allentown.

The applicants and declarants consider sections 6, 9, 10 and 12 of the act and rules U-43, 44 and 45 thereof as applicable to the proposed transactions. The filings state that the transactions are subject to the approval of the Pennsylvania Public Utility Commission.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to the said declarations and applications and that said declarations should not become effective or said applications be granted, except pursuant to further order of the Commission, and that at said hearing there will be considered, among other things, the various matters herein set forth; and

It further appearing that the foregoing matters are related, and that evidence offered in respect to each of the matters may have a bearing on the others, and that substantial savings in time, effort and expense will result if said matters are consolidated;

It is hereby ordered, That said proceedings be, and hereby are, consolidated, subject to the reservation that the Commission, if at any time it appears conductive to the orderly, efficient, or economic disposition of any of the matters herein, may order a separate hearing concerning any of the issues in the consolidated proceedings, may close the record with respect to any of such issues, or may take any action on any such issues prior to the closing of the record on the other issues therein, or may consolidate with these proceedings other matters or filings pertaining to the instant proceedings.

It is further ordered, That a hearing be held upon said matters, as consolidated, on October 18, 1944, at 10:00 a.m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in said proceeding shall file with the Secretary of the Commission, on or before October 14, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the considerations to be paid and received in respect of the properties involved are fair and reasonable:

erties involved are fair and reasonable;
3. The propriety of the accounting treatment to reflect the proposed transactions on the books of applicants and declarants;

4. Whether and to what extent it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions with respect to the accounts of applicants and declarants, or otherwise in regard to the proposed transactions:

5. Whether the proposed issue and sale of securities by Allentown is solely for the purpose of financing the business of such company, and has been expressly authorized by the State Commission in which it is organized and doing business:

6. Whether the proposed acquisition of securities by U. G. I. will serve the public interest by tending towards the economic and efficient development of an integrated public utility system;

7. Whether, in all respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44-15324; Filed, Oct. 3, 1944; 3:35 p. m.

[File No. 812-360]

PHOENIX SECURITIES CORP. AND WILLIAM D. HART

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of October, A. D., 1944.

In the matter of Hugh B. Baker, Henry C. Brunie, Walter W. Colpitts, Joseph I. Lubin, and Walter S. Mack, Jr., Trustees of Phoenix Securities Corporation, and William D. Hart, File No. 812–360.

An application having been filed by Hugh B. Baker, Henry C. Brunie, Walter W. Colpitts, Joseph I. Lubin, and Walter S. Mack, Jr., Trustees of Phoenix

Securities Corporation, a registered investment company, for an order pursuant to section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) (2) of the act, a proposed purchase by Wilmer D. Hart, President and Director of National Brass and Copper Company, Inc., and an affiliated person of an affiliated person, within the purview of section 17 (a) of the act, of Phoenix Securities Corporation, of all the latter's interest in National Brass and Copper Company, Inc., consisting of an unsecured note for \$168,320.41, 1,931 shares of 6% Preferred Stock and 2,250 shares of Common Stock (being all of the outstanding stock of National Brass and Copper Company, Inc.) for the sum of \$50,000. It is ordered, Pursuant to section 40 (a)

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on October 16, 1944 at 10:00 a.m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets,

Philadelphia 3, Pennsylvania;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice is hereby given to the applicant, to William D. Hart, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 44-15325; Filed, Oct. 8, 1944; 3:35 p. m.]

WAR FOOD ADMINISTRATION.

Commodity Credit Corporation.

[Amdt. 1]

FLUID MILK IN ARLINGTON-ALEXANDRIA, VA., AREA

OFFER OF PAYMENTS

In accordance with the provisions of paragraph numbered 5 of the Offer of the Commodity Credit Corporation to make fluid milk payments in the Arlington-Alexandria area during the period July 1944, through June 1945, dated July 14, 1944 (9 F.R. 7992), such offer is hereby amended by deleting therefrom paragraph numbered 1 and inserting in lieu thereof the following:

1. Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 28 cents per hundred-weight, less, as determined by Commodity or its designated agent, the difference, if any, between the cost per hundred-weight, f. o. b. city plant, of milk received

from producers, as established by the Commonwealth of Virginia Milk Control Commission, and the average cost of all milk to the handler, all computations to be based on milk of 4 percent butterfat. Such payments will be made on the quantity of fluid milk disposed of for fluid consumption by the handler, as determined by Commodity or its designated agent, from October 1, 1944, through June 30, 1945, except (a) any such milk sold by such handler to another handler, (b) any such milk disposed of by such handler for use by the armed forces of the United States, and (c) such handler's proportionate share of the quantity of emergency milk for fluid consumption disposed of by all handlers which is equal to the quantity of milk received from producers and disposed of by all handlers for uses other than fluid milk for fluid consumption.

This amendment shall become effective as of October 1, 1944.

Issued this 3d day of October 1944.

_Lee Marshall, Vice President, Commodity Credit Corporation.

[F. R. Doc. 44-15362; Filed, Oct. 4, 1944; 11:16 a. m.]

[Amdt. 1]

FLUID MILK IN WASHINGTON, D. C., AREA OFFER OF PAYMENTS

In accordance with the provisions of paragraph numbered 5 of the offer of the Commodity Credit Corporation to make fluid milk payments in the Washington, D. C., area during the period July 1944, through June 1945, dated July 14, 1944 (9 F.R. 7993), such offer is hereby amended by deleting therefrom paragraph numbered 1 and inserting in lieu thereof the following:

1. Commodity will make a payment to each handler, regardless of whether or not such handler purchases milk from producers, of 28 cents per hundred-weight, less, as determined by Commodity or its designated agent, the difference, if any, between the cost per hundredweight, f. o. b. city plant, of milk received from producers, as established by Order No. 45, and the average cost of all milk to such handler, all computations to be based on milk of 4 percent butterfat. Such payments will be made on the quantity of fluid milk disposed of for fluid consumption by the handler, as determined by Commodity or its designated agent, from October 1, 1944, through June 30, 1945, except (a) any such milk sold by such handler to another handler, (b) any such milk disposed of by such handler for use by the armed forces of the United States, and (c) such handler's proportionate share of the quantity of emergency milk for fluid consumption disposed of by all handlers which is equal to the quantity of milk received from producers and disposed of by all handlers for uses other than fluid milk for fluid consumption.

This amendment shall become effective as of October 1, 1944.

Issued this 3d day of October 1944.

LEE MARSHALL, Vice President, Commodity Credit Corporation.

[F. R. Doc. 44-15363; Filed, Oct. 4, 1944; 11:16 a, m.]

WAR PRODUCTION BOARD.

[0-216]

KURTZ BROS.

Sidney L. Kurtz, Lewis L. Kurtz and Max Kurtz, operating as a partnership under the name of Kurtz Bros., Bridgeport, Pennsylvania, are engaged in the packing and distribution of egg noodles and other food products, and were found in an investigation by the War Production Board to have used in excess of 70,-000 dozen new glass containers and metal closures in the packing of egg noodles during the period from March 1, 1944 to July 18, 1944, during which period the partnership was prohibited by Limitation Order L-103-b from accepting delivery of, or using any new glass container or any new metal closure for packing egg noodles. Said partnership admits the use as charged by the War Production Board and has consented to the issuance of this order.

. Wherefore, under the agreement and consent of said parties operating as a partnership under the name of Kurtz Bros., Bridgeport, Pennsylvania, the Regional Compliance Chief and the Deputy Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered, That:

(a) Sidney L. Kurtz, Lewis L. Kurtz and Max Kurtz, operating as a partnership under the name of Kurtz Bros., Bridgeport, Pennsylvania, their successors and assigns, shall, during the six months' period beginning October 1, 1944 and ending March 31, 1945, reduce their use of glass containers and metal closures for the packing of egg noodles to an amount not exceeding 10,000 dozen per month, unless otherwise authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Sidney L. Kurtz, Lewis L. Kurtz and Max Kurtz, operating a partnership under the name of Kurtz Bros., Bridgeport, Pennsylvania, their successors or assigns, from any restriction, prohibition or provision contained in Limitation Order L-103-b or any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect as of October 1, 1944, and shall expire on March 31, 1945.

Issued this 3d day of October 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-15328; Filed, Oct. 8, 1944; 4:08 p. m.]